



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 104<sup>th</sup> CONGRESS, FIRST SESSION

## HOUSE OF REPRESENTATIVES—Friday, March 10, 1995

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. BONILLA].

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
March 10, 1995.

I hereby designate the Honorable HENRY BONILLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,  
Speaker of the House of Representatives.

### PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O God, for the blessings that have come to us and to our Nation. In good times and in times of trial, Your spirit of creation and renewal and comfort has been our constant guide and encouragement. For all Your gifts, gracious God, we offer our thanksgivings—for liberty and freedom, for opportunity and vision, for healing and help, for family and friends, and for the works of justice and the bounty of Your mercy, we offer these words of prayer. Bless us this day and every day, we pray. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from North Carolina [Mr. JONES] come forward and lead the House in the Pledge of Allegiance.

Mr. JONES of North Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### PARLIAMENTARY INQUIRY

Mr. VOLKMER. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. VOLKMER. Mr. Speaker, is there a limit on the number of 1-minutes this morning?

The SPEAKER pro tempore. There will be a limit of 10 1-minutes on each side.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces there will be a limit of 10 1-minute speeches on each side.

### A VICTORY PARTY FOR THE PRIVILEGED FEW

(Mr. GEPHARDT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GEPHARDT. Mr. Speaker, for weeks now, Americans have watched in astonishment as House Republicans have voted to ravage our most basic commitments to hard-working families: School lunch for children who would literally go hungry without it; heating assistance for frail elderly who would literally freeze to death without it; a program of food and nutrition for pregnant women that saves more than three times what it costs.

Yesterday, the Republican leadership added outrage to injury, by rolling out the reason behind these budget-shredding atrocities: A capital gains tax cut that is a boon for the privileged, but a bust for working people.

The most affluent Americans do not need a tax cut. That is why Democrats are fighting to give a tax break to the middle-class families who have seen their standard of living slide for the past 16 years.

According to the nonpartisan Joint Committee on Taxation, the Republican tax cut would give \$8,000 to those earning more than \$200,000 a year—but only a meager \$92 to those earning \$30,000 a year.

That would be bad public policy on any day, in any debate. But because it is funded by taking food from the mouths of children and heat from the homes of senior citizens, this tax giveaway is an affront to fundamental fairness and decency.

Mr. Speaker, if there was ever any doubt, there is no doubt today: Elections have consequences. And with this latest assault on working America, the Republican Party is sending a powerful message: For the privileged few, the real party is just about to begin.

### REPUBLICAN CONTRACT WITH AMERICA

(Ms. DUNN of Washington asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUNN of Washington. Mr. Speaker, our Contract With America states the following:

On the first day of Congress, a Republican House will require Congress to live under the same laws as everyone else; cut committee staffs by one-third; and cut the congressional budget.

We kept our promise.

It continues that in the first 100 days, we will vote on the following items: A balanced budget amendment—we kept our promise; unfunded mandates legislation—we kept our promise; line-item veto—we kept our promise; a new crime package to stop violent criminals—we kept our promise; national security restoration to our freedoms—we kept our promise; Government regulatory reform—we kept our promise; commonsense legal reform to end frivolous lawsuits—we are doing this now; welfare reform to increase school lunches for poor people, encourage work, not dependence; family reinforcement to crack down on deadbeat dads and protect our children; tax cuts

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

for middle-income families, who have been too long ignored by the Democrats; Senior Citizens' Equity Act to allow our seniors to work without Government penalty; and congressional term limits to make Congress a citizen legislature.

Mr. Speaker, this is our Contract With America.

#### CAMPAIGN FINANCE REFORM NEEDED NOW

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, I can report today that one part of the Contract With America is working very well: Term limits.

You might say, "Luis, the Republicans have not even let you vote on term limits yet." You are right. Actually, what is working is a different, very American version of term limits. It is called the ballot box.

American voters have limited plenty of terms. In fact, since 1990, half the Members of this House have been sent home. That is effective term limits.

But we could do even better, by passing a bill that says American elections are not only for millionaires and insiders, that says campaigns are for people—not for the powerful and privileged.

A tough campaign finance reform bill would mean real term limits for all of the career politicians who talk a good game about citizen legislators by supporting the phony Republican term limits bill that are not retroactive. Funny, though, I do not see one word about campaign finance reform in their contract.

I guess that issue will have to wait until the last lobbyists have turned out the lights at a few more thousand-dollar-a-plate Republican fundraisers.

#### SCORE ANOTHER ONE FOR THE TAXPAYERS

(Mr. CHABOT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHABOT. Mr. Speaker, score another victory for the American consumer. Today this House, after years of failure, will finally bring about common sense legal reform. Another promise kept by the new Republican majority, and soon we will keep another promise. We will again honor our Contract With America by passing real welfare reform.

We will pass this legislation with the help of people. People on welfare need to break the bonds of dependency. They need hope, not a handout. We will send a clear message that those who are able to work will work to support themselves and their families. Those

who can work but will not will no longer get a free ride at the expense of those who have traditionally footed the bill.

Mr. Speaker, in the coming days we will hear more of the same from our liberal friends. There will be whining and weeping and gnashing of teeth. They will play fast and loose with the truth. But we will fight. We will fight for real welfare reform.

It is time that the hard-working taxpayers of this country finally get a break. It is time for welfare reform. We will finally deliver that to the American people, who have been demanding it for such a long time.

#### DO NOT FORGET OUR CHILDREN

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, as reported yesterday, it appears an overburdened and overworked committee staff person realized that the Republicans forgot to add 57,000 children to the Welfare Reform School Lunch Program for the children of our military personnel. That little mistake could cost an additional \$10 million. To paraphrase Senator Everett Dirksen, "A million here, a million there, pretty soon you're talking real money."

This is often what happens when the Republicans rush like a runaway train to reform our welfare system and include programs like school nutrition programs, which should be dealt with in the education system and not welfare reform.

This runaway train left 57,000 kids of military personnel at the station. But who else is left at the station? I will tell you. Twenty-eight hundred children in my district alone, and thousands in the State of Texas will have no school lunch.

Again, the Republican shell game of promising an increase but cutting appropriations proves that in this shell game our children are going to be the losers. Let us not forget our children, whether it is their school lunches, whether it is their job training, or whether it is their education that they are also cutting next week in the rescissions.

#### TELL THE TRUTH ABOUT WELFARE

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, I was Ambassador to Romania in the 1980's. I watched the Communists manipulate the people through calculated half-truths. We call the method the big lie. To make the big lie work, you tell a lie so big it staggers the listener.

Then you repeat it over and over until it is finally accepted as truth.

Mr. Speaker, I have had enough of the big lie about welfare reform. Day after day liberal Democrats come to the floor and repeat that Republicans are waging a war on poor children. That is a monstrous lie. What makes it all the more offensive is that the lie is peddled by the same people who created our welfare nightmare. Their policies led to the disintegration of the family, the highest crime rate in the world, and three generations of Americans who do nothing but wait at home for the next Government check.

Mr. Speaker, the Democrats like business as usual. They do not seem to care that their programs have not worked and they are spiritually and financially bankrupting our country. They do not trust the people, they have no faith in the American spirit.

We reject the notion that Washington knows best. We support local control. Why doesn't the Democrat Party tell the truth about welfare. Enough of this big lie.

#### THE AMERICAN PEOPLE ARE TAXED OFF

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, I do not know if you ever heard about it, but there is a day called Tax Freedom Day. This year it is May 5, which means that every American will work from January 1 through the 5th of May just to pay their taxes.

Disgusting. Ridiculous, Congress. Is it any wonder the American people are taxed off? But if you want to know what they are really taxed off about, when mom and pop go into certain civil tax courts, they are considered guilty and even have to provide themselves innocent.

Ladies and gentlemen of Congress, there can be no tax freedom in America when American taxpayers are treated worse than Jeffrey Dahmer. And let me tell you this: If we are going to have a real Contract With America, that contract should be broadened to provide true tax freedom.

Mr. Speaker, I appreciate the support of H.R. 390, and I am asking this Congress before the 15th of April to pass a true tax freedom bill. The American people are taxed off.

#### CHILDREN PAY THE PRICE OF FAILED LIBERAL WELFARE STATE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, at the outset let me say I would associate myself in full with the remarks made by my good friend from Ohio.



Mr. Speaker, let me also observe though that my liberal colleagues on the other side of the aisle never tire of telling us how much they care for our Nation's children. But if they really cared about children, they would join us in reforming a welfare system whose primary victims are children.

Study after study shows that it is children who pay the price for the failed liberal welfare state. They do not learn as well. They have other developmental problems. They are more likely to go on welfare themselves, which starts the cycle all over again.

There is no doubt, Mr. Speaker, that welfare in its current form is bad for children. Yet my liberal Democrat colleagues come down here after day, defend the current welfare system, and distort the positive changes we will make. They do not want to end welfare as we know it. They want to spend more and grow it, and they have declared war on the very children they purport to protect.

#### KEEP FAITH WITH OUR PRESIDENT

(Mr. WILLIAMS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILLIAMS. Mr. Speaker, in this week's Newsweek, there is an article called "The Hidden Success Story." It is about America's efforts to assist in diversifying the Mexican economy and make good economic friends of our neighbors to the south. And the article concludes with these words:

Keep faith with those who are struggling to do the right thing. Bill Clinton may have received little credit for it in the United States, but his rescue of the peso places him, and not Washington conventional wisdom, on the right side of history. For a century American Presidents have blustered about being good neighbors to the rest of the Americas. Clinton, first in Haiti and now in Mexico, has shown more leadership and less arrogance in the struggle for hemispheric progress than any previous representative of the Colossus of the North. When in about 20 years that too becomes conventional wisdom, remember, you read it here first.

□ 1015

#### THE BIG LIE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, today's headlines in Congress Daily read, "Clinton Budget Hikes Deficit More Than Expected." That says it all.

Of course, this article proves what we have believed about the Clinton budget and verifies why he campaigned against the balanced budget amendment truly mortgaging our children's future. Yet all of this comes to light while President Clinton and the Demo-

crats shamelessly use children in his big lie scare tactics regarding our reforms.

In fact, let me once again reiterate the facts to the President, to his lackeys, and to the American people. Not only are we not cutting nutrition programs for our children, but we are increasing funding 4.5 percent every year. How many working people out there, if they got a 4.5-percent increase in pay, would think it was a cut?

Mr. Speaker, the American people did not believe the big Social Security lie during the last election used during the campaign and hopefully they will not believe this new big lie. Absent of good ideas and with budget numbers that increase the deficit more every year, what can be expected from the other side? Let us balance the budget. Let us save our children's future.

#### REPUBLICANS AND NUTRITION PROGRAMS

(Ms. MCCARTHY asked and was given permission to address the House for 1 minute.)

Ms. MCCARTHY. Mr. Speaker, the Republicans claim they received a clear electoral message that the Nation was ready for change. Well, we have begun to see what their definition of change means and here it is, Mr. Speaker: If you are a poor, hungry child in America, then you have to wait in line behind the space station and tax breaks for the wealthy before you can receive a nutritious meal.

We have heard Republicans come to this floor and claim they are not cutting child nutrition programs with the proposed block grants for the States. This is simply not true. In fact, in the first 5 years, the school-based nutrition programs will be cut by \$2.5 billion and the family-based programs by \$4.6 billion. In my State, Missouri, that translates into a \$103 million loss for students in the school lunch program. Apparently, Republicans have not only misplaced their compassion, but it seems they have lost their calculators, as well.

Like many of the provisions in the Republican contract that have been rushed through this body, the attack on the nutrition programs promises to dismantle in 100 days, programs that have efficiently fed children for over 30 years.

We all agree on the need to reform the welfare system and to bring Federal spending under control, but I want to remind Republican leaders that it should not be done at the expense of working families.

#### IMPROVING THE WESTERN FORESTS

(Mr. COOLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COOLEY. Mr. Speaker, I rise today to inform my colleagues that we have taken an important first step in improving the Western forest environment and economy.

Last week, the Appropriations Committee approved an emergency measure to harvest dead, burnt, and diseased timber that is rapidly diminishing the health of our forests.

First, this is important because it will improve the health of our forests. This is proper management that will ensure that our natural resources are not further ravaged by diseases, insect infestation, or fire.

Second, the sale of this timber will bring nearly a billion dollars in tax revenues into the Treasury.

Third, we will put our wood-starved communities back to work. For many mills and their employees, it is already too late. We can, however, help those communities which are struggling to stay alive.

Mr. Speaker, the salvage timber provision serves three vital functions—improving forest health, returning hefty revenues to Uncle Sam, and putting hard-working people back to work.

I urge my colleagues to support the rescission package next week.

#### THE FACTS

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, it has been said before that when you have facts on your side, you pound on the facts. When you have the law on your side, you pound on the law. When you have neither, you pound on the podium.

We have heard a lot of Republicans pounding on the podium for the last 2 weeks saying, we are not cutting school lunches. We are increasing it.

Yesterday in the New York Times the headline read: "School Lunch Bill Leaves Out Military Children." Fifty-seven thousand children eligible for school lunches left out.

When the gentleman from California, [Mr. CUNNINGHAM] was asked, is this true? How could this be? A Republican on the committee said, "Are there little glitches like this? Absolutely."

Little glitches leaving out thousands of school children? We do not want to put the Pentagon in charge of serving school lunches, Mr. Speaker. Let us make sure that we do not have glitches and omissions that will put our children on the streets and take food out of their mouths.

#### LIMITING THE AMOUNT OF ECONOMIC DAMAGES

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, the veil of obfuscation must be lowered in this House, if you are to ever hear the truth. I sat here last night in great pain and had to listen to lawyer after lawyer come down in this well and champion the virtues of the trial lawyers against the evil doctors of this Nation. They railed against us for wanting to limit noneconomic damages and from these evil malpracticing doctors of our Nation.

Mr. Speaker, I am struck with how hypocritical that argument is when the other side voted against limiting contingency fees.

When as much as two-thirds of the noneconomic damage awards go to pay the legal fees of trial attorneys, would you not think they would want to limit these costs as well, if they really wanted to make the patient whole? Or maybe they are not interested in the pain and suffering of the victims of the evil doctors. Maybe they are more interested in the pain and suffering of the trial lawyers and the millions of dollars that they give to Democratic campaigns.

I am proud we took that step last night to limit noneconomic damages.

#### TRUE NATIONAL SECURITY

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. FURSE. Mr. Speaker, the School Lunch Program was established for the purpose of national defense in 1946, when it was found that many of our soldiers had grown up without adequate nutrition. Well, today our national security is just as dependent on these nutrition programs. That kind of national security, well-fed children, is certainly of greater value than star wars. But believe it or not, the Republican contract calls for cuts in WIC, cuts in school lunches, but increases in star wars.

Well, they certainly kept that promise. Shame on them.

Here are the facts: In Oregon, more than 283,000 children benefit from school lunches in WIC. If we adopt these Republican cuts, Oregon children will have \$13 million less to be spent on them. Ask any American: What makes you feel more secure, adequately fed children or star wars? The Republican contract contracts the safety shield for American children. Let us keep feeding our kids, stop stuffing the Pentagon.

#### SPENDING DISCIPLINES, TAX RELIEF BENEFIT AMERICAN FAMILIES

(Mr. JONES asked and was given permission to address the House for 1 minute.)

Mr. JONES. Mr. Speaker, families are the core of American society. Fam-

ilies are the principle mechanism through which values, knowledge, and discipline is passed from one generation to the next.

Why must working families suffer at the hands of the Government and its irresponsible spending habits? Families are required to pay more each year in taxes to support the failed welfare state and other failed programs.

To put an end to this tax and spend mentality, we have unveiled a tax relief plan that is pro-family and pro-economic growth. In fact, an additional \$20 will go into each family's pocket for every dollar that is given to the Government. More exactly, 76 percent of the tax reductions, will go directly to families. Also, we have included a tax relief provision for small businesses and for future investment.

These provisions incorporated with the contract will benefit families while getting the country back on track.

#### FEDERAL FOOD ASSISTANCE

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CLAYTON. Mr. Speaker, in our rush to meet an artificial, 100-day goal, it is a fair question to ask, are we hurting more than we are helping?

In yesterday's New York Times, an article noted that when the Personal Responsibility Act was marked up by the Committee on Economic and Educational Opportunity, the language passed resulted in 57,000 children of military families being denied access to the school feeding programs that would be established.

To restore this feeding program for the military, it will cost the Pentagon more than \$5 million for meals and another \$5 million for administrative costs.

It seems, Mr. Speaker, that we profess to want a strong military, yet we pass legislation that will cause military children to go hungry.

These actions are either mean spirited or grossly negligent. Either way, America suffers.

Let us demonstrate that we are wise enough to know that welfare reform means real wage reform for poor people and not taking food out of the mouths of children. Let us demonstrate the strength of having reason and compassion.

#### FOR TOM

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute.)

Mrs. SEASTRAND. Mr. Speaker, after dealing with special groups looking out for their own self-interest in the Nation's Capitol, we sometimes feel the creeping cynicism. It takes a strong example of people helping peo-

ple to turn that cynicism into optimism for the future.

Tom Rogers has been a community leader and elected public servant in Santa Barbara County for more than a decade. Unfortunately Tom has been diagnosed with Lou Gehrig's disease. Now our community is pulling together to show our appreciation for a man who served our community with distinction by declaring this Tom Rogers Month. Friends and strangers alike are setting up community events to raise funds for the Rogers family. I would like to quote from a Santa Barbara News-Press editorial, "Former Santa Barbara Supervisor Tom Rogers has been dealt a tough hand, but he has faced the last few difficult years with confidence, good humor, and stunning graciousness." Mr. Speaker, while Tom Rogers Month ends March 17, Tom's effect on our community and his efforts to make it a better place to live, work, and raise a family will never end. God bless you, Tom.

#### FALL OF THE DOLLAR

(Mr. ROTH asked and was given permission to address the House for 1 minute.)

Mr. ROTH. Mr. Speaker, today we are seeing the true effects of President Clinton's \$20 billion bailout of Mexico. In spite of his use of \$20 billion, worked for, paid for, and belonging to the American taxpayer, the Mexican economy continues its downward slide toward collapse. The peso dropped to another historic low last night, and it is expected to go even lower.

The American taxpayers have been fooled again. This bailout was to be the magic formula for the Mexican economy, but it turned out to be poison for both them and for us.

The dollar, once a solid foundation of the global economy, fell again yesterday.

The eyes of the world have now looked on our economy as being destined to be linked with Mexico's. By doing so, we have committed an injustice to our own economy and to that of the American taxpayer. The American taxpayer has been victimized again, thanks to Mr. Clinton.

□ 1030

#### PAPERWORK REDUCTION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 244), to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.



The SPEAKER pro tempore (Mr. BONILLA). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 244

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# TITLE I—PAPERWORK REDUCTION

## SEC. 101. SHORT TITLE.

This title may be cited as the "Paperwork Reduction Act of 1995".

## SEC. 102. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

### "CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

"Sec.

"3501. Purposes.

"3502. Definitions.

"3503. Office of Information and Regulatory Affairs.

"3504. Authority and functions of Director.

"3505. Assignment of tasks and deadlines.

"3506. Federal agency responsibilities.

"3507. Public information collection activities; submission to Director; approval and delegation.

"3508. Determination of necessity for information; hearing.

"3509. Designation of central collection agency.

"3510. Cooperation of agencies in making information available.

"3511. Establishment and operation of Government Information Locator Service.

"3512. Public protection.

"3513. Director review of agency activities; reporting; agency response.

"3514. Responsiveness to Congress.

"3515. Administrative powers.

"3516. Rules and regulations.

"3517. Consultation with other agencies and the public.

"3518. Effect on existing laws and regulations.

"3519. Access to information.

"3520. Authorization of appropriations.

## "§ 3501. Purposes

"The purposes of this chapter are to—

"(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

"(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

"(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

"(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

"(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

"(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

"(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

"(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

"(A) privacy and confidentiality, including section 552a of title 5;

"(B) security of information, including the Computer Security Act of 1987 (Public Law 100-235); and

"(C) access to information, including section 552 of title 5;

"(9) ensure the integrity, quality, and utility of the Federal statistical system;

"(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

"(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

## "§ 3502. Definitions

"As used in this chapter—

"(1) the term 'agency' means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

"(A) the General Accounting Office;

"(B) Federal Election Commission;

"(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

"(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

"(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

"(A) reviewing instructions;

"(B) acquiring, installing, and utilizing technology and systems;

"(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;

"(D) searching data sources;

"(E) completing and reviewing the collection of information; and

"(F) transmitting, or otherwise disclosing the information;

"(3) the term 'collection of information'—

"(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

"(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

"(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

"(B) shall not include a collection of information described under section 3518(c)(1);

"(4) the term 'Director' means the Director of the Office of Management and Budget;

"(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

"(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;

"(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

"(8) the term 'information system' means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a) (2) and (3)(C) (i) through (v) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a) (2) and (3)(C) (i) through (v));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records.

## "§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by

the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

"(c) The Administrator and employees of the Office of Information and Regulatory Affairs shall be appointed with special attention to professional qualifications required to administer the functions of the Office described under this chapter. Such qualifications shall include relevant education, work experience, or related professional activities.

#### "§ 3504. Authority and functions of Director

"(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including service delivery to the public. In performing such oversight, the Director shall—

"(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

"(B) provide direction and oversee—

"(i) the review of the collection of information and the reduction of the information collection burden;

"(ii) agency dissemination of and public access to information;

"(iii) statistical activities;

"(iv) records management activities;

"(v) privacy, confidentiality, security, disclosure, and sharing of information; and

"(vi) the acquisition and use of information technology.

"(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.

"(b) With respect to general information resources management policy, the Director shall—

"(1) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;

"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review proposed agency collections of information, and in accordance with section 3508, determine whether the collection of information by or for an agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(2) coordinate the review of the collection of information associated with Federal pro-

curement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement and acquisition and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government; and

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(i) the heads of the major statistical programs; and

"(ii) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans



and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

#### "§ 3505. Assignment of tasks and deadlines

"In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least five percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

#### "§ 3506. Federal agency responsibilities

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report di-

rectly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate senior officials who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(b) With respect to general information resources management, each agency shall—

"(1) manage information resources to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public information, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management

officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv); and

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) contains the statement required under paragraph (1)(B)(iii);

"(G) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(H) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(I) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information, and

"(B) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities; and

"(3) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redissemination of public information by the public;

"(C) charge fees or royalties for resale or redissemination of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for information technology investments;

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) ensure responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

"(A) integrated with budget, financial, and program management decisions; and

"(B) used to select, control, and evaluate the results of major information systems initiatives.

#### **"§ 3507. Public information collection activities; submission to Director; approval and delegation**

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 2 years.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove



any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule that the agency's response to the Director's comments filed under paragraph (2) of this subsection was unreasonable; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (j) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Office of the Director, the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information which has not been approved under this chapter, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information of that agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize a collection of information, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of time periods established under this chapter; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed;

"(ii) an unanticipated event has occurred; or

"(iii) the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information or is reasonably likely to cause a statutory or court ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

#### "§ 3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent that the Director determines that the collection of information by an agency is unnecessary for the proper performance of the functions of the agency, for any reason, the agency may not engage in the collection of information.

#### "§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

#### "§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as

if the information had been collected directly by that agency.

**§ 3511. Establishment and operation of Government Information Locator Service**

"(a) In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—

"(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

"(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

"(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

"(4) consider public access and other user needs in the establishment and operation of the Service;

"(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

"(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

"(b) This section shall not apply to operational files as defined by the Central Intelligence Agency Information Act (50 U.S.C. 431 et seq.).

**§ 3512. Public protection**

"Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain, provide, or disclose information to or for any agency or person if the collection of information subject to this chapter—

"(1) does not display a valid control number assigned by the Director; or

"(2) fails to state that the person who is to respond to the collection of information is not required to comply unless such collection displays a valid control number.

**§ 3513. Director review of agency activities; reporting; agency response**

"(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

"(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

"(1) be taken to address information resources management problems identified in the report; and

"(2) improve agency performance and the accomplishment of agency missions.

**§ 3514. Responsiveness to Congress**

"(a)(1) The Director shall—

"(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

"(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

"(2) The Director shall include in any such report a description of the extent to which agencies have—

"(A) reduced information collection burdens on the public, including—

"(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

"(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter; and

"(iii) a list of any increase in the collection of information burden, including the authority for each such collection;

"(B) improved the quality and utility of statistical information;

"(C) improved public access to Government information; and

"(D) improved program performance and the accomplishment of agency missions through information resources management.

"(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

**§ 3515. Administrative powers**

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

**§ 3516. Rules and regulations**

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

**§ 3517. Consultation with other agencies and the public**

"(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, a person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

"(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

"(2) take appropriate remedial action, if necessary.

**§ 3518. Effect on existing laws and regulations**

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of

the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter shall not apply to the collection of information—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of—

"(i) a civil action to which the United States or any official or agency thereof is a party; or

"(ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

**§ 3519. Access to information**

"Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

**§ 3520. Authorization of appropriations**

"(a) Subject to subsection (b), there are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter, and for no other purpose, \$8,000,000 for each of the fiscal years 1996, 1997, 1998, 1999, and 2000.

"(b)(1) No funds may be appropriated pursuant to subsection (a) unless such funds are appropriated in an appropriation Act (or continuing resolution) which separately and expressly states the amount appropriated pursuant to subsection (a) of this section.



"(2) No funds are authorized to be appropriated to the Office of Information and Regulatory Affairs, or to any other officer or administrative unit of the Office of Management and Budget, to carry out the provisions of this chapter, or to carry out any function under this chapter, for any fiscal year pursuant to any provision of law other than subsection (a) of this section."

**SEC. 103. PAPERWORK BURDEN REDUCTION INITIATIVE REGARDING THE QUARTERLY FINANCIAL REPORT PROGRAM AT THE BUREAU OF THE CENSUS.**

(a) **PAPERWORK BURDEN REDUCTION INITIATIVE REQUIRED.**—As described in subsection (b), the Bureau of the Census within the Department of Commerce shall undertake a demonstration program to reduce the burden imposed on firms, especially small businesses, required to participate in the survey used to prepare the publication entitled "Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations".

(b) **BURDEN REDUCTION INITIATIVES TO BE INCLUDED IN THE DEMONSTRATION PROGRAM.**—The demonstration program required by subsection (a) shall include the following paperwork burden reduction initiatives:

(1) **FURNISHING ASSISTANCE TO SMALL BUSINESS CONCERNS.**—

(A) The Bureau of the Census shall furnish advice and similar assistance to ease the burden of a small business concern which is attempting to compile and furnish the business information required of firms participating in the survey.

(B) To facilitate the provision of the assistance described in subparagraph (A), a toll-free telephone number shall be established by the Bureau of the Census.

(2) **VOLUNTARY PARTICIPATION BY CERTAIN BUSINESS CONCERNS.**—

(A) A business concern may decline to participate in the survey, if the firm has—

(i) participated in the survey during the period of the demonstration program described under subsection (c) or has participated in the survey during any of the 24 calendar quarters previous to such period; and

(ii) assets of \$50,000,000 or less at the time of being selected to participate in the survey for a subsequent time.

(B) A business concern may decline to participate in the survey, if the firm—

(i) has assets of greater than \$50,000,000 but less than \$100,000,000 at the time of selection; and

(ii) participated in the survey during the 8 calendar quarters immediately preceding the firm's selection to participate in the survey for an additional 8 calendar quarters.

(3) **EXPANDED USE OF SAMPLING TECHNIQUES.**—The Bureau of the Census shall use statistical sampling techniques to select firms having assets of \$100,000,000 or less to participate in the survey.

(4) **ADDITIONAL BURDEN REDUCTION TECHNIQUES.**—The Director of the Bureau of the Budget may undertake such additional paperwork burden reduction initiatives with respect to the conduct of the survey as may be deemed appropriate by such officer.

(c) **DURATION OF THE DEMONSTRATION PROGRAM.**—The demonstration program required by subsection (a) shall commence on October 1, 1995, and terminate on the later of—

(1) September 30, 1998; or

(2) the date in the Act of Congress providing for authorization of appropriations for section 91 of title 13, United States Code, first enacted following the date of the enactment of this Act, that is September 30, of the last fiscal year providing such an authorization under such Act of Congress.

(d) **DEFINITIONS.**—For purposes of this section:

(1) The term "burden" shall have the meaning given that term by section 3502(2) of title 44, United States Code.

(2) The term "collection of information" shall have the meaning given that term by section 3502(3) of title 44, United States Code.

(3) The term "small business concern" means a business concern that meets the requirements of section 3(a) of the Small Business Act (15 U.S.C. 632(a)) and the regulations promulgated pursuant thereto.

(4) The term "survey" means the collection of information by the Bureau of the Census at the Department of Commerce pursuant to section 91 of title 13, United States Code, for the purpose of preparing the publication entitled "Quarterly Financial Report for Manufacturing, Mining, and Trade Corporations".

**SEC. 104. OREGON OPTION PROPOSAL.**

(a) **FINDINGS.**—The Senate finds that—

(1) Federal, State and local governments are dealing with increasingly complex problems which require the delivery of many kinds of social services at all levels of government;

(2) historically, Federal programs have addressed the Nation's problems by providing categorical assistance with detailed requirements relating to the use of funds which are often delivered by State and local governments;

(3) although the current approach is one method of service delivery, a number of problems exist in the current intergovernmental structure that impede effective delivery of vital services by State and local governments;

(4) it is more important than ever to provide programs that respond flexibly to the needs of the Nation's States and communities, reduce the barriers between programs that impede Federal, State and local governments' ability to effectively deliver services, encourage the Nation's Federal, State and local governments to be innovative in creating programs that meet the unique needs of the people in their communities while continuing to address national goals, and improve the accountability of all levels of government by better measuring government performance and better meeting the needs of service recipients;

(5) the State and local governments of Oregon have begun a pilot project, called the Oregon Option, that will utilize strategic planning and performance-based management that may provide new models for intergovernmental social service delivery;

(6) the Oregon Option is a prototype of a new intergovernmental relations system, and it has the potential to completely transform the relationships among Federal, State and local governments by creating a system of intergovernmental service delivery and funding that is based on measurable performance, customer satisfaction, prevention, flexibility, and service integration; and

(7) the Oregon Option has the potential to dramatically improve the quality of Federal, State and local services to Oregonians.

(b) **SENSE OF THE SENATE.**—It is the sense of the Senate that the Oregon Option project has the potential to improve intergovernmental service delivery by shifting accountability from compliance to performance results and that the Federal Government should continue in its partnership with the State and local governments of Oregon to fully implement the Oregon Option.

**SEC. 105. TERMINATION OF REPORTING REQUIREMENTS.**

(a) **TERMINATION.**—

(1) **IN GENERAL.**—Subject to the provisions of paragraph (2), each provision of law requiring the submittal to Congress (or any committee of the Congress) of any annual, semiannual or other regular periodic reports specified on the list described under subsection (c) shall cease to be effective, with respect to that requirement, 5 years after the date of the enactment of this Act.

(2) **EXCEPTION.**—The provisions of paragraph (1) shall not apply to any report required under—

(A) the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95-452); or

(B) the Chief Financial Officers Act of 1990 (Public Law 101-576).

(b) **IDENTIFICATION OF WASTEFUL REPORTS.**—The President shall include in the first annual budget submitted pursuant to section 1105 of title 31, United States Code, after the date of enactment of this Act a list of reports that the President has determined are unnecessary or wasteful and the reasons for such determination.

(c) **LIST OF REPORTS.**—The list referred to under subsection (a) includes only the annual, semiannual, or other regular periodic reports on the list prepared by the Clerk of the House of Representatives for the first session of the One Hundred Third Congress under Clause 2 of Rule III of the Rules of the House of Representatives.

**SEC. 106. EFFECTIVE DATE.**

The provisions of this title and the amendments made by this title shall take effect on June 30, 1995.

**TITLE II—FEDERAL REPORT ELIMINATION AND MODIFICATION**

**SEC. 201. SHORT TITLE.**

This title may be cited as the "Federal Report Elimination and Modification Act of 1995".

**SEC. 202. TABLE OF CONTENTS.**

The table of contents for this title is as follows:

Sec. 201. Short title.

Sec. 202. Table of contents.

**SUBTITLE I—DEPARTMENTS**

**CHAPTER 1—DEPARTMENT OF AGRICULTURE**

Sec. 1011. Reports eliminated.

Sec. 1012. Reports modified.

**CHAPTER 2—DEPARTMENT OF COMMERCE**

Sec. 1021. Reports eliminated.

Sec. 1022. Reports modified.

**CHAPTER 3—DEPARTMENT OF DEFENSE**

Sec. 1031. Reports eliminated.

**CHAPTER 4—DEPARTMENT OF EDUCATION**

Sec. 1041. Reports eliminated.

Sec. 1042. Reports modified.

**CHAPTER 5—DEPARTMENT OF ENERGY**

Sec. 1051. Reports eliminated.

Sec. 1052. Reports modified.

**CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES**

Sec. 1061. Reports eliminated.

Sec. 1062. Reports modified.

**CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

Sec. 1071. Reports eliminated.

Sec. 1072. Reports modified.

**CHAPTER 8—DEPARTMENT OF THE INTERIOR**

Sec. 1081. Reports eliminated.

Sec. 1082. Reports modified.

**CHAPTER 9—DEPARTMENT OF JUSTICE**

Sec. 1091. Reports eliminated.

**CHAPTER 10—DEPARTMENT OF LABOR**

Sec. 1101. Reports eliminated.

Sec. 1102. Reports modified.

CHAPTER 11—DEPARTMENT OF STATE  
Sec. 1111. Reports eliminated.

CHAPTER 12—DEPARTMENT OF  
TRANSPORTATION

Sec. 1121. Reports eliminated.  
Sec. 1122. Reports modified.

CHAPTER 13—DEPARTMENT OF THE TREASURY  
Sec. 1131. Reports eliminated.  
Sec. 1132. Reports modified.

CHAPTER 14—DEPARTMENT OF VETERANS  
AFFAIRS

Sec. 1141. Reports eliminated.

SUBTITLE II—INDEPENDENT AGENCIES  
CHAPTER 1—ACTION

Sec. 2011. Reports eliminated.

CHAPTER 2—ENVIRONMENTAL PROTECTION  
AGENCY

Sec. 2021. Reports eliminated.

CHAPTER 3—EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

Sec. 2031. Reports modified.

CHAPTER 4—FEDERAL AVIATION  
ADMINISTRATION

Sec. 2041. Reports eliminated.

CHAPTER 5—FEDERAL COMMUNICATIONS  
COMMISSION

Sec. 2051. Reports eliminated.

CHAPTER 6—FEDERAL DEPOSIT INSURANCE  
CORPORATION

Sec. 2061. Reports eliminated.

CHAPTER 7—FEDERAL EMERGENCY  
MANAGEMENT AGENCY

Sec. 2071. Reports eliminated.

CHAPTER 8—FEDERAL RETIREMENT THRIFT  
INVESTMENT BOARD

Sec. 2081. Reports eliminated.

CHAPTER 9—GENERAL SERVICES  
ADMINISTRATION

Sec. 2091. Reports eliminated.

CHAPTER 10—INTERSTATE COMMERCE  
COMMISSION

Sec. 2101. Reports eliminated.

CHAPTER 11—LEGAL SERVICES CORPORATION  
Sec. 2111. Reports modified.

CHAPTER 12—NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION

Sec. 2121. Reports eliminated.

CHAPTER 13—NATIONAL COUNCIL ON  
DISABILITY

Sec. 2131. Reports eliminated.

CHAPTER 14—NATIONAL SCIENCE FOUNDATION  
Sec. 2141. Reports eliminated.

CHAPTER 15—NATIONAL TRANSPORTATION  
SAFETY BOARD

Sec. 2151. Reports modified.

CHAPTER 16—NEIGHBORHOOD REINVESTMENT  
CORPORATION

Sec. 2161. Reports eliminated.

CHAPTER 17—NUCLEAR REGULATORY  
COMMISSION

Sec. 2171. Reports modified.

CHAPTER 18—OFFICE OF PERSONNEL  
MANAGEMENT

Sec. 2181. Reports eliminated.

Sec. 2182. Reports modified.

CHAPTER 19—OFFICE OF THRIFT SUPERVISION  
Sec. 2191. Reports modified.

CHAPTER 20—PANAMA CANAL COMMISSION  
Sec. 2201. Reports eliminated.

CHAPTER 21—POSTAL SERVICE

Sec. 2211. Reports modified.

CHAPTER 22—RAILROAD RETIREMENT BOARD  
Sec. 2221. Reports modified.

CHAPTER 23—THRIFT DEPOSITOR PROTECTION  
OVERSIGHT BOARD

Sec. 2231. Reports modified.

CHAPTER 24—UNITED STATES INFORMATION  
AGENCY

Sec. 2241. Reports eliminated.

SUBTITLE III—REPORTS BY ALL DEPARTMENTS  
AND AGENCIES

Sec. 3001. Reports eliminated.

Sec. 3002. Reports modified.

SUBTITLE IV—EFFECTIVE DATE

Sec. 4001. Effective date.

#### Subtitle I—Departments

#### CHAPTER 1—DEPARTMENT OF AGRICULTURE

##### SEC. 1011. REPORTS ELIMINATED.

(a) REPORT ON MONITORING AND EVALUA-  
TION.—Section 1246 of the Food Security Act  
of 1985 (16 U.S.C. 3846) is repealed.

(b) REPORT ON RETURN ON ASSETS.—Section  
2512 of the Food, Agriculture, Conservation,  
and Trade Act of 1990 (7 U.S.C. 1421b) is  
amended—

(1) in subsection (a), by striking "(a) IM-  
PROVING" and all that follows through  
"FORECASTS.—"; and

(2) by striking subsection (b).

(c) REPORT ON FARM VALUE OF AGRICUL-  
TURAL PRODUCTS.—Section 2513 of the Food,  
Agriculture, Conservation, and Trade Act of  
1990 (7 U.S.C. 1421c) is repealed.

(d) REPORT ON ORIGIN OF EXPORTS OF PEA-  
NUTS.—Section 1558 of the Food, Agriculture,  
Conservation, and Trade Act of 1990 (7 U.S.C.  
958) is repealed.

(e) REPORT ON REPORTING OF IMPORTING  
FEES.—Section 407 of the Agricultural Trade  
Development and Assistance Act of 1954 (7  
U.S.C. 1736a) is amended—

(1) by striking subsection (b); and

(2) by redesignating subsections (c)  
through (h) as subsections (b) through (g),  
respectively.

(f) REPORT ON AGRICULTURAL INFORMATION  
EXCHANGE WITH IRELAND.—Section 1420 of  
the Food Security Act of 1985 (Public Law  
99-198; 99 Stat. 1551) is amended—

(1) in subsection (a), by striking "(a)"; and  
(2) by striking subsection (b).

(g) REPORT ON POTATO INSPECTION.—Sec-  
tion 1704 of the Food Security Act of 1985  
(Public Law 99-198; 7 U.S.C. 499n note) is  
amended by striking the second sentence.

(h) REPORT ON TRANSPORTATION OF FER-  
TILIZER AND AGRICULTURAL CHEMICALS.—Sec-  
tion 2517 of the Food, Agriculture, Conserva-  
tion, and Trade Act of 1990 (Public Law 101-  
624; 104 Stat. 4077) is repealed.

(i) REPORT ON UNIFORM END-USE VALUE  
TESTS.—Section 307 of the Futures Trading  
Act of 1986 (Public Law 99-641; 7 U.S.C. 76  
note) is amended by striking subsection (c).

(j) REPORT ON PROJECT AREAS WITH HIGH  
FOOD STAMP PAYMENT ERROR RATES.—Sec-  
tion 16(1) of the Food Stamp Act of 1977 (7  
U.S.C. 2025(i)) is amended by striking para-  
graph (3).

(k) REPORT ON EFFECT OF EFAP DISPLACE-  
MENT ON COMMERCIAL SALES.—Section  
203C(a) of the Emergency Food Assistance  
Act of 1983 (7 U.S.C. 612c note) is amended by  
striking the last sentence.

(l) REPORT ON WIC EXPENDITURES AND PAR-  
TICIPATION LEVELS.—Section 17(m) of the  
Child Nutrition Act of 1966 (42 U.S.C. 1786(m))  
is amended—

(1) by striking paragraphs (8) and (9); and  
(2) by redesignating paragraphs (10) and  
(11) as paragraphs (8) and (9), respectively.

(m) REPORT ON WIC MIGRANT SERVICES.—  
Section 17 of the Child Nutrition Act of 1966  
(42 U.S.C. 1786) is amended by striking sub-  
section (j).

(n) REPORT ON DEMONSTRATIONS INVOLVING  
INNOVATIVE HOUSING UNITS.—Section 506(b)  
of the Housing Act of 1949 (42 U.S.C. 1476(b))  
is amended by striking the last sentence.

(o) REPORT ON ANNUAL UPWARD MOBILITY  
PROGRAM ACTIVITY.—Section 2(a)(6)(A) of the  
Act of June 20, 1936 (20 U.S.C. 107a(a)(6)(A)),  
is amended by striking "including upward  
mobility" and inserting "excluding upward  
mobility".

(p) REPORT ON LAND EXCHANGES IN COLUM-  
BIA RIVER GORGE NATIONAL SCENIC AREA.—  
Section 9(d)(3) of the Columbia River Gorge  
National Scenic Area Act (16 U.S.C.  
544g(d)(3)) is amended by striking the second  
sentence.

(q) REPORT ON INCOME AND EXPENDITURES  
OF CERTAIN LAND ACQUISITIONS.—Section 2(e)  
of Public Law 96-586 (94 Stat. 3382) is amend-  
ed by striking the second sentence.

(r) REPORT ON SPECIAL AREA DESIGNA-  
TIONS.—Section 1506 of the Agriculture and  
Food Act of 1981 (16 U.S.C. 3415) is repealed.

(s) REPORT ON EVALUATION OF SPECIAL  
AREA DESIGNATIONS.—Section 1510 of the Agri-  
culture and Food Act of 1981 (16 U.S.C. 3419)  
is repealed.

(t) REPORT ON AGRICULTURAL PRACTICES  
AND WATER RESOURCES DATA BASE DEVELOP-  
MENT.—Section 1485 of the Food, Agriculture,  
Conservation, and Trade Act of 1990 (7 U.S.C.  
5505) is amended—

(1) in subsection (a), by striking "(a) RE-  
POSITORY.—"; and

(2) by striking subsection (b).

(u) REPORT ON PLANT GENOME MAPPING.—  
Section 1671 of the Food, Agriculture, Conser-  
vation, and Trade Act of 1990 (7 U.S.C.  
5924) is amended—

(1) by striking subsection (g); and

(2) by redesignating subsection (h) as sub-  
section (g).

(v) REPORT ON APPRAISAL OF PROPOSED  
BUDGET FOR FOOD AND AGRICULTURAL  
SCIENCES.—Section 1408(g) of the National  
Agricultural Research, Extension, and  
Teaching Policy Act of 1977 (7 U.S.C. 3123(g))  
is amended—

(1) by striking paragraph (2); and

(2) by redesignating paragraph (3) as para-  
graph (2).

(w) REPORT ON ECONOMIC IMPACT OF ANIMAL  
DAMAGE ON AQUACULTURE INDUSTRY.—Sec-  
tion 1475(e) of the National Agricultural Re-  
search, Extension, and Teaching Policy Act  
of 1977 (7 U.S.C. 3322(e)) is amended—

(1) in paragraph (1), by striking "(1)"; and  
(2) by striking paragraph (2).

(x) REPORT ON AWARDS MADE BY THE NA-  
TIONAL RESEARCH INITIATIVE AND SPECIAL  
GRANTS.—Section 2 of the Act of August 4,  
1965 (7 U.S.C. 4501), is amended—

(1) by striking subsection (1); and

(2) by redesignating subsection (m) as sub-  
section (1).

(y) REPORT ON PAYMENTS MADE UNDER RE-  
SEARCH FACILITIES ACT.—Section 8 of the Re-  
search Facilities Act (7 U.S.C. 3901) is re-  
pealed.

(z) REPORT ON FINANCIAL AUDIT REVIEWS OF  
STATES WITH HIGH FOOD STAMP PARTICIPA-  
TION.—The first sentence of section 11(1) of  
the Food Stamp Act of 1977 (7 U.S.C. 2020(1))  
is amended by striking "and shall, upon  
completion of the audit, provide a report to  
Congress of its findings and recommenda-  
tions within one hundred and eighty days".

(aa) REPORT ON RURAL TELEPHONE BANK.—  
Section 408(b)(3) of the Rural Electrification  
Act of 1936 (7 U.S.C. 948(b)(3)) is amended by  
striking out subparagraph (I) and redesignat-  
ing subparagraph (J) as subparagraph (I).

##### SEC. 1012. REPORTS MODIFIED.

(a) REPORT ON ANIMAL WELFARE ENFORCE-  
MENT.—The first sentence of section 25 of the



Animal Welfare Act (7 U.S.C. 2155) is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(5) the information and recommendations described in section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830)."

(b) REPORT ON HORSE PROTECTION ENFORCEMENT.—Section 11 of the Horse Protection Act of 1970 (15 U.S.C. 1830) is amended by striking "On or before the expiration of thirty calendar months following the date of enactment of this Act, and every twelve calendar months thereafter, the Secretary shall submit to the Congress a report upon" and inserting the following: "As part of the report submitted by the Secretary under section 25 of the Animal Welfare Act (7 U.S.C. 2155), the Secretary shall include information on".

(c) REPORT ON AGRICULTURAL QUARANTINE INSPECTION FUND.—The Secretary of Agriculture shall not be required to submit a report to the appropriate committees of Congress on the status of the Agricultural Quarantine Inspection fund more frequently than annually.

(d) REPORT ON ESTIMATED EXPENDITURES UNDER FOOD STAMP PROGRAM.—The third sentence of section 18(a)(1) of the Food Stamp Act of 1977 (7 U.S.C. 2027(a)(1)) is amended—

(1) by striking "by the fifteenth day of each month" and inserting "for each quarter or other appropriate period"; and

(2) by striking "the second preceding month's expenditure" and inserting "the expenditure for the quarter or other period".

(e) REPORT ON COMMODITY DISTRIBUTION.—Section 3(a)(3)(D) of the Commodity Distribution Reform Act and WIC Amendments of 1987 (Public Law 100-237; 7 U.S.C. 612c note) is amended by striking "annually" and inserting "biennially".

(f) REPORT ON PRIORITIES FOR RESEARCH, EXTENSION, AND TEACHING.—Section 1407(f)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(1)) is amended—

(1) in the paragraph heading, by striking "ANNUAL REPORT" and inserting "REPORT"; and

(2) by striking "Not later than June 30 of each year" and inserting "At such times as the Joint Council determines appropriate".

(g) 5-YEAR PLAN FOR FOOD AND AGRICULTURAL SCIENCES.—Section 1407(f)(2) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3122(f)(2)) is amended by striking the second sentence.

(h) REPORT ON EXAMINATION OF FEDERALLY SUPPORTED AGRICULTURAL RESEARCH AND EXTENSION PROGRAMS.—Section 1408(g)(1) of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3123(g)(1)) is amended by inserting "may provide" before "a written report".

(i) REPORT ON EFFECTS OF FOREIGN OWNERSHIP OF AGRICULTURAL LAND.—Section 5(b) of the Agricultural Foreign Investment Disclosure Act of 1978 (7 U.S.C. 3504(b)) is amended to read as follows:

"(b) An analysis and determination shall be made, and a report on the Secretary's findings and conclusions regarding such analysis and determination under subsection (a) shall be transmitted within 90 days after the end of—

"(1) the calendar year in which the Federal Report Elimination and Modification Act of 1995 is enacted; and

"(2) the calendar year which occurs every ten years thereafter."

## CHAPTER 2—DEPARTMENT OF COMMERCE

### SEC. 1021. REPORTS ELIMINATED.

(a) REPORT ON VOTING REGISTRATION.—Section 207 of the Voting Rights Act of 1965 (42 U.S.C. 1973aa-5) is repealed.

(b) REPORT ON ESTIMATE OF SPECIAL AGRICULTURAL WORKERS.—Section 210A(b)(3) of the Immigration and Nationality Act (8 U.S.C. 1161(b)(3)) is repealed.

(c) REPORT ON LONG RANGE PLAN FOR PUBLIC BROADCASTING.—Section 393A(b) of the Communications Act of 1934 (47 U.S.C. 393a(b)) is repealed.

(d) REPORT ON STATUS, ACTIVITIES, AND EFFECTIVENESS OF UNITED STATES COMMERCIAL CENTERS IN ASIA, LATIN AMERICA, AND AFRICA AND PROGRAM RECOMMENDATIONS.—Section 401(j) of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a(j)) is repealed.

(e) REPORT ON KUWAIT RECONSTRUCTION CONTRACTS.—Section 606(f) of the Persian Gulf Conflict Supplemental Authorization and Personnel Benefits Act of 1991 is repealed.

(f) REPORT ON UNITED STATES-CANADA FREE TRADE AGREEMENT.—Section 409(a)(3)(B) of the United States-Canada Free-Trade Agreement Implementation Act of 1988 (19 U.S.C. 2112 note) is amended to read as follows:

"(3) The United States members of the working group established under article 1907 of the Agreement shall consult regularly with the Committee on Finance of the Senate, the Committee on Ways and Means of the House of Representatives, and advisory committees established under section 135 of the Trade Act of 1974 regarding—

"(A) the issues being considered by the working group; and

"(B) as appropriate, the objectives and strategy of the United States in the negotiations."

(g) REPORT ON ESTABLISHMENT OF AMERICAN BUSINESS CENTERS AND ON ACTIVITIES OF THE INDEPENDENT STATES BUSINESS AND AGRICULTURE ADVISORY COUNCIL.—Section 305 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5825) is repealed.

(h) REPORT ON FISHERMAN'S CONTINGENCY FUND REPORT.—Section 406 of the Outer Continental Shelf Lands Act Amendments of 1978 (43 U.S.C. 1846) is repealed.

(i) REPORT ON USER FEES ON SHIPPERS.—Section 208 of the Water Resources Development Act of 1986 (33 U.S.C. 2236) is amended by—

(1) striking subsection (b); and

(2) redesignating subsections (c), (d), (e), and (f) as subsections (b), (c), (d), and (e), respectively.

### SEC. 1022. REPORTS MODIFIED.

(a) REPORT ON FEDERAL TRADE PROMOTION STRATEGIC PLAN.—Section 2312(f) of the Export Enhancement Act of 1988 (15 U.S.C. 4727(f)) is amended to read as follows:

"(f) REPORT TO THE CONGRESS.—The chairperson of the TPCC shall prepare and submit to the Committee on Banking, Housing, and Urban Affairs of the Senate, and the Committee on Foreign Affairs of the House of Representatives, not later than September 30, 1995, and annually thereafter, a report describing—

"(1) the strategic plan developed by the TPCC pursuant to subsection (c), the implementation of such plan, and any revisions thereto; and

"(2) the implementation of sections 303 and 304 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act

of 1992 (22 U.S.C. 5823 and 5824) concerning funding for export promotion activities and the interagency working groups on energy of the TPCC."

(b) REPORT ON EXPORT POLICY.—Section 2314(b)(1) of the Export Enhancement Act of 1988 (15 U.S.C. 4729(b)(1)) is amended—

(1) in subparagraph (E) by striking out "and" after the semicolon;

(2) in subparagraph (F) by striking out the period and inserting in lieu thereof a semicolon; and

(3) by adding at the end thereof the following new subparagraphs:

"(G) the status, activities, and effectiveness of the United States commercial centers established under section 401 of the Jobs Through Exports Act of 1992 (15 U.S.C. 4723a);

"(H) the implementation of sections 301 and 302 of the Freedom for Russia and Emerging Democracies and Open Markets Support Act of 1992 (22 U.S.C. 5821 and 5822) concerning American Business Centers and the Independent States Business and Agriculture Advisory Council;

"(I) the programs of other industrialized nations to assist their companies with their efforts to transact business in the independent states of the former Soviet Union; and

"(J) the trading practices of other Organization for Economic Cooperation and Development nations, as well as the pricing practices of transitional economies in the independent states, that may disadvantage United States companies."

## CHAPTER 3—DEPARTMENT OF DEFENSE

### SEC. 1031. REPORTS ELIMINATED.

(a) REPORT ON SEMATECH.—Section 274 of The National Defense Authorization Act for Fiscal Years 1988 and 1989 (Public Law 100-180; 101 Stat. 1071) is amended—

(1) in section 6 by striking out the item relating to section 274; and

(2) by striking out section 274.

(b) REPORT ON REVIEW OF DOCUMENTATION IN SUPPORT OF WAIVERS FOR PEOPLE ENGAGED IN ACQUISITION ACTIVITIES.—

(1) IN GENERAL.—Section 1208 of the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 1701 note) is repealed.

(2) CLERICAL AMENDMENT TO TABLE OF CONTENTS.—Section 2(b) of such Act is amended by striking out the item relating to section 1208.

## CHAPTER 4—DEPARTMENT OF EDUCATION

### SEC. 1041. REPORTS ELIMINATED.

(a) REPORT ON PERSONNEL REDUCTION AND ANNUAL LIMITATIONS.—Subsection (a) of section 403 of the Department of Education Organization Act (20 U.S.C. 3463(a)) is amended—

(1) in paragraph (2), by striking all beginning with "and shall," through the end thereof and inserting a period; and

(2) by redesignating paragraph (3) as paragraph (2).

(b) REPORT ON PROJECTS FUNDED BY THE FUND FOR THE IMPROVEMENT AND REFORM OF SCHOOLS AND TEACHING.—Section 3232 of the Fund for the Improvement and Reform of Schools and Teaching Act (20 U.S.C. 4832) is amended—

(1) in the section heading, by striking "and reporting";

(2) in subsection (a), by striking "(a) EXEMPLARY PROJECTS.—"; and

(3) by striking subsections (b) and (c).

(c) REPORT ON THE SUCCESS OF FIRST ASSISTED PROGRAMS IN IMPROVING EDUCATION.—Section 6215 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 4832 note) is amended—

(1) by amending the section heading to read as follows:

**"SEC. 6215. EXEMPLARY PROJECTS."**

(2) in subsection (a), by striking "(a) EXEMPLARY PROJECTS."; and

(3) by striking subsections (b) and (c).

(d) REPORT ON SUPPORTED EMPLOYMENT ACTIVITIES.—Subsection (c) of section 311 of the Rehabilitation Act of 1973 (20 U.S.C. 777a(c)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(e) REPORT ON THE CLIENT ASSISTANCE PROGRAM.—Subsection (g) of section 112 of the Rehabilitation Act of 1973 (20 U.S.C. 732(g)) is amended—

(1) by striking paragraphs (4) and (5); and

(2) in paragraph (6), by striking "such report or for any other" and inserting "any".

(f) REPORT ON THE SUMMARY OF LOCAL EVALUATIONS OF COMMUNITY EDUCATION EMPLOYMENT CENTERS.—Section 370 of the Carl D. Perkins Vocational and Applied Technology Act (20 U.S.C. 2396h) is amended—

(1) in the section heading, by striking "and report";

(2) in subsection (a), by striking "(a) LOCAL EVALUATION.—"; and

(3) by striking subsection (b).

(g) REPORT ON THE ADMINISTRATION OF THE VOCATIONAL EDUCATION ACT OF 1917.—Section 18 of the Vocational Education Act of 1917 (20 U.S.C. 28) is repealed.

(h) REPORT BY THE INTERDEPARTMENTAL TASK FORCE ON COORDINATING VOCATIONAL EDUCATION AND RELATED PROGRAMS.—Subsection (d) of section 4 of the Carl D. Perkins Vocational and Applied Technology Education Act Amendments of 1990 (20 U.S.C. 2303(d)) is repealed.

(i) REPORT ON THE EVALUATION OF THE GATEWAY GRANTS PROGRAM.—Subparagraph (B) of section 322(a)(3) of the Adult Education Act (20 U.S.C. 1203a(a)(3)(B)) is amended by striking "and report the results of such evaluation to the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Human Resources of the Senate".

(j) REPORT ON THE BILINGUAL VOCATIONAL TRAINING PROGRAM.—Paragraph (3) of section 441(e) of the Carl D. Perkins Vocational and Applied Technology Education Act (20 U.S.C. 2441(e)(3)) is amended by striking the last sentence thereof.

(k) REPORT ON ADVISORY COUNCILS.—Section 448 of the General Education Provisions Act (20 U.S.C. 1233g) is repealed.

**SEC. 1042. REPORTS MODIFIED.**

(a) REPORT ON THE CONDITION OF BILINGUAL EDUCATION IN THE NATION.—Section 6213 of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 (20 U.S.C. 3303 note) is amended—

(1) in the section heading, by striking "report on" and inserting "INFORMATION REGARDING"; and

(2) by striking the matter preceding paragraph (1) and inserting "The Secretary shall collect data for program management and accountability purposes regarding—".

(b) REPORT TO CONGRESS ON THE STEWART B. MCKINNEY HOMELESS ASSISTANCE ACT.—Subsection (b) of section 724 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11434(b)) is amended by striking paragraph (4) and the first paragraph (5) and inserting the following:

"(4) The Secretary shall prepare and submit a report to the appropriate committees of the Congress at the end of every other fiscal year. Such report shall—

"(A) evaluate the programs and activities assisted under this part; and

"(B) contain the information received from the States pursuant to section 722(d)(3)."

(c) REPORT TO GIVE NOTICE TO CONGRESS.—Subsection (d) of section 482 of the Higher Education Act of 1965 (20 U.S.C. 1089(d)) is amended—

(1) in the first sentence by striking "the items specified in the calendar have been completed and provide all relevant forms, rules, and instructions with such notice" and inserting "a deadline included in the calendar described in subsection (a) is not met"; and

(2) by striking the second sentence.

(d) ANNUAL REPORT ON ACTIVITIES UNDER THE REHABILITATION ACT OF 1973.—Section 13 of the Rehabilitation Act of 1973 (20 U.S.C. 712) is amended by striking "twenty" and inserting "eighty".

(e) REPORT TO THE CONGRESS REGARDING REHABILITATION TRAINING PROGRAMS.—The second sentence of section 302(c) of the Rehabilitation Act of 1973 (20 U.S.C. 774(c)) is amended by striking "simultaneously with the budget submission for the succeeding fiscal year for the Rehabilitation Services Administration" and inserting "by September 30 of each fiscal year".

(f) REPORT PREPARED BY THE DEPARTMENT OF THE INTERIOR ON INDIAN CHILDREN AND THE BILINGUAL EDUCATION ACT.—

(1) REPEAL.—Subsection (c) of section 7022 of the Bilingual Education Act (20 U.S.C. 3292) is repealed.

(2) ANNUAL REPORT.—Paragraph (3) of section 7051(b)(3) of the Bilingual Education Act (20 U.S.C. 3331(b)(3)) is amended—

(A) in subparagraph (D), by striking "and" after the semicolon;

(B) in subparagraph (E), by striking the period and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(F) the needs of the Indian children with respect to the purposes of this title in schools operated or funded by the Department of the Interior, including those tribes and local educational agencies receiving assistance under the Johnson-O'Malley Act (25 U.S.C. 452 et seq.); and

"(G) the extent to which the needs described in subparagraph (F) are being met by funds provided to such schools for educational purposes through the Secretary of the Interior."

(g) ANNUAL EVALUATION REPORTS.—Section 417 of the General Education Provisions Act (20 U.S.C. 1226c) is amended—

(1) in the section heading, by striking "ANNUAL" and inserting "BIENNIAL"; and

(2) in subsection (a)—

(A) by striking "December" and inserting "March";

(B) by striking "each year" and inserting "every other year"; and

(C) by striking "an annual" and inserting "a biennial";

(3) in subparagraph (B), by striking "previous fiscal year" and inserting "2 preceding fiscal years"; and

(4) in subparagraph (C), by striking "previous fiscal year" and inserting "2 preceding fiscal years".

(h) ANNUAL AUDIT OF STUDENT LOAN INSURANCE FUND.—Section 432(b) of the Higher Education Act of 1965 (20 U.S.C. 1082(b)) is amended to read as follows:

"(b) FINANCIAL OPERATIONS RESPONSIBILITIES.—The Secretary shall, with respect to the financial operations arising by reason of this part prepare annually and submit a budget program as provided for wholly

owned Government corporations by chapter 91 of title 31, United States Code. The transactions of the Secretary, including the settlement of insurance claims and of claims for payments pursuant to section 1078 of this title, and transactions related thereto and vouchers approved by the Secretary in connection with such transactions, shall be final and conclusive upon all accounting and other officers of the Government."

**CHAPTER 5—DEPARTMENT OF ENERGY**

**SEC. 1051. REPORTS ELIMINATED.**

(a) REPORTS ON PERFORMANCE AND DISPOSAL OF ALTERNATIVE FUELED HEAVY DUTY VEHICLES.—Paragraphs (3) and (4) of section 400AA(b) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(3), 6374(b)(4)) are repealed.

(b) REPORT ON WIND ENERGY SYSTEMS.—Section 9(a)(3) of the Wind Energy Systems Act of 1980 (42 U.S.C. 9208(a)(3)) is repealed.

(c) REPORT ON COMPREHENSIVE PROGRAM MANAGEMENT PLAN FOR OCEAN THERMAL ENERGY CONVERSION.—Section 3(d) of the Ocean Thermal Energy Conversion Research, Development, and Demonstration Act (42 U.S.C. 9002(d)) is repealed.

(d) REPORTS ON SUBSEAED DISPOSAL OF SPENT NUCLEAR FUEL AND HIGH-LEVEL RADIOACTIVE WASTE.—Subsections (a) and (b)(5) of section 224 of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10204(a), 10204(b)(5)) are repealed.

(e) REPORT ON FUEL USE ACT.—Sections 711(c)(2) and 806 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8421(c)(2), 8482) are repealed.

(f) REPORT ON TEST PROGRAM OF STORAGE OF REFINED PETROLEUM PRODUCTS WITHIN THE STRATEGIC PETROLEUM RESERVE.—Section 160(g)(7) of the Energy Policy and Conservation Act (42 U.S.C. 6240(g)(7)) is repealed.

(g) REPORT ON NAVAL PETROLEUM AND OIL SHALE RESERVES PRODUCTION.—Section 7434 of title 10, United States Code, is repealed.

(h) REPORT ON EFFECTS OF PRESIDENTIAL MESSAGE ESTABLISHING A NUCLEAR NON-PROLIFERATION POLICY ON NUCLEAR RESEARCH AND DEVELOPMENT COOPERATIVE AGREEMENTS.—Section 203 of the Department of Energy Act of 1978—Civilian Applications (22 U.S.C. 2429 note) is repealed.

(i) REPORT ON WRITTEN AGREEMENTS REGARDING NUCLEAR WASTE REPOSITORY SITES.—Section 117(c) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10137(c)) is amended by striking the following: "If such written agreement is not completed prior to the expiration of such period, the Secretary shall report to the Congress in writing not later than 30 days after the expiration of such period on the status of negotiations to develop such agreement and the reasons why such agreement has not been completed. Prior to submission of such report to the Congress, the Secretary shall transmit such report to the Governor of such State or the governing body of such affected Indian tribe, as the case may be, for their review and comments. Such comments shall be included in such report prior to submission to the Congress."

(j) QUARTERLY REPORT ON STRATEGIC PETROLEUM RESERVES.—Section 165(b) of the Energy Policy and Conservation Act (42 U.S.C. 6245(b)) is repealed.

(k) REPORT ON THE DEPARTMENT OF ENERGY.—The Federal Energy Administration Act of 1974 (15 U.S.C. 790d), is amended by striking out section 55.

**SEC. 1052. REPORTS MODIFIED.**

(a) REPORTS ON PROCESS-ORIENTED INDUSTRIAL ENERGY EFFICIENCY AND INDUSTRIAL INSULATION AUDIT GUIDELINES.—



(1) Section 132(d) of the Energy Policy Act of 1992 (42 U.S.C. 6349(d)) is amended—

(A) in the language preceding paragraph (1), by striking "Not later than 2 years after October 24, 1992, and annually thereafter" and inserting "Not later than October 24, 1995, and biennially thereafter";

(B) in paragraph (4), by striking "and" at the end;

(C) in paragraph (5), by striking the period at the end and inserting "; and"; and

(D) by adding at the end the following new paragraph:

"(6) the information required under section 133(c)."

(2) Section 133(c) of the Energy Policy Act of 1992 (42 U.S.C. 6350(c)) is amended—

(A) by striking, "October 24, 1992" and inserting "October 24, 1995"; and

(B) by inserting "as part of the report required under section 132(d)," after "and biennially thereafter,".

(b) REPORT ON AGENCY REQUESTS FOR WAIVER FROM FEDERAL ENERGY MANAGEMENT REQUIREMENTS.—Section 543(b)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8253(b)(2)) is amended—

(1) by inserting "as part of the report required under section 548(b)," after "the Secretary shall"; and

(2) by striking "promptly".

(c) REPORT ON THE PROGRESS, STATUS, ACTIVITIES, AND RESULTS OF PROGRAMS REGARDING THE PROCUREMENT AND IDENTIFICATION OF ENERGY EFFICIENT PRODUCTS.—Section 161(d) of the Energy Policy Act of 1992 (42 U.S.C. 8262(d)) is amended by striking "of each year thereafter,"; and inserting "thereafter as part of the report required under section 548(b) of the National Energy Conservation Policy Act,".

(d) REPORT ON THE FEDERAL GOVERNMENT ENERGY MANAGEMENT PROGRAM.—Section 548(b) of the National Energy Conservation Policy Act (42 U.S.C. 8258(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A), by striking "and" after the semicolon;

(B) by redesignating subparagraph (B) as subparagraph (C); and

(C) by inserting after subparagraph (A) the following new subparagraph:

"(B) the information required under section 543(b)(2); and";

(2) in paragraph (2), by striking "and" after the semicolon;

(3) in paragraph (3), by striking the period at the end and inserting "; and"; and

(4) by adding at the end the following new paragraph:

"(4) the information required under section 161(d) of the Energy Policy Act of 1992.".

(e) REPORT ON ALTERNATIVE FUEL USE BY SELECTED FEDERAL VEHICLES.—Section 400AA(b)(1)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6374(b)(1)(B)) is amended by striking "and annually thereafter".

(f) REPORT ON THE OPERATION OF STATE ENERGY CONSERVATION PLANS.—Section 365(c) of the Energy Policy and Conservation Act (42 U.S.C. 6325(c)) is amended by striking "report annually" and inserting "as part of the report required under section 657 of the Department of Energy Organization Act, report".

(g) REPORT ON THE DEPARTMENT OF ENERGY.—Section 657 of the Department of Energy Organization Act (42 U.S.C. 7267) is amended by inserting after "section 15 of the Federal Energy Administration Act of 1974," the following: "section 365(c) of the Energy Policy and Conservation Act, section 304(c) of the Nuclear Waste Policy Act of 1982,".

(h) REPORT ON COST-EFFECTIVE WAYS TO INCREASE HYDROPOWER PRODUCTION AT FEDERAL WATER FACILITIES.—Section 2404 of the Energy Policy Act of 1992 (16 U.S.C. 797 note) is amended—

(1) in subsection (a), by striking "The Secretary, in consultation with the Secretary of the Interior and the Secretary of the Army," and inserting "The Secretary of the Interior and the Secretary of the Army, in consultation with the Secretary,"; and

(2) in subsection (b), by striking "the Secretary" and inserting "the Secretary of the Interior, or the Secretary of the Army,".

(i) REPORT ON PROGRESS MEETING FUSION ENERGY PROGRAM OBJECTIVES.—Section 2114(c)(5) of the Energy Policy Act of 1992 (42 U.S.C. 13474(c)(5)) is amended by striking out the first sentence and inserting in lieu thereof "The President shall include in the budget submitted to the Congress each year under section 1105 of title 31, United States Code, a report prepared by the Secretary describing the progress made in meeting the program objectives, milestones, and schedules established in the management plan,".

(j) REPORT ON HIGH-PERFORMANCE COMPUTING ACTIVITIES.—Section 203(d) of the High-Performance Computing Act of 1991 (15 U.S.C. 5523(d)) is amended to read as follows:

"(d) REPORTS.—Not later than 1 year after the date of enactment of this subsection, and thereafter as part of the report required under section 101(a)(3)(A), the Secretary of Energy shall report on activities taken to carry out this Act."

(k) REPORT ON NATIONAL HIGH-PERFORMANCE COMPUTING PROGRAM.—Section 101(a)(4) of the High-Performance Computing Act of 1991 (15 U.S.C. 5511(a)(4)) is amended—

(1) in subparagraph (D), by striking "and" at the end;

(2) by redesignating subparagraph (E) as subparagraph (F); and

(3) by inserting after subparagraph (D) the following new subparagraph:

"(E) include the report of the Secretary of Energy required by section 203(d); and"

(l) REPORT ON NUCLEAR WASTE DISPOSAL PROGRAM.—Section 304(d) of the Nuclear Waste Policy Act of 1982 (42 U.S.C. 10224(d)) is amended to read as follows:

"(d) AUDIT BY GAO.—If requested by either House of the Congress (or any committee thereof) or if considered necessary by the Comptroller General, the General Accounting Office shall conduct an audit of the Office, in accord with such regulations as the Comptroller General may prescribe. The Comptroller General shall have access to such books, records, accounts, and other materials of the Office as the Comptroller General determines to be necessary for the preparation of such audit. The Comptroller General shall submit a report on the results of each audit conducted under this section."

#### CHAPTER 6—DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### SEC. 1061. REPORTS ELIMINATED.

(a) REPORT ON THE EFFECTS OF TOXIC SUBSTANCES.—Subsection (c) of section 27 of the Toxic Substance Control Act (15 U.S.C. 2626(c)) is repealed.

(b) REPORT ON COMPLIANCE WITH THE CONSUMER-PATIENT RADIATION HEALTH AND SAFETY ACT.—Subsection (d) of section 981 of the Consumer-Patient Radiation Health and Safety Act of 1981 (42 U.S.C. 10006(d)) is repealed.

(c) REPORT ON EVALUATION OF TITLE VIII PROGRAMS.—Section 859 of the Public Health Service Act (42 U.S.C. 298b-6) is repealed.

(d) REPORT ON MODEL SYSTEM FOR PAYMENT FOR OUTPATIENT HOSPITAL SERVICES.—Para-

graph (6) of section 1135(d) of the Social Security Act (42 U.S.C. 1320b-5(d)(6)) is repealed.

(e) REPORT ON MEDICARE TREATMENT OF UNCOMPENSATED CARE.—Paragraph (2) of section 603(a) of the Social Security Amendments of 1983 (42 U.S.C. 1395ww note) is repealed.

(f) REPORT ON PROGRAM TO ASSIST HOMELESS INDIVIDUALS.—Subsection (d) of section 9117 of the Omnibus Budget Reconciliation Act of 1987 (42 U.S.C. 1383 note) is repealed.

##### SEC. 1062. REPORTS MODIFIED.

(a) REPORT OF THE SURGEON GENERAL.—Section 239 of the Public Health Service Act (42 U.S.C. 238h) is amended to read as follows:

##### "BIENNIAL REPORT

"SEC. 239. The Surgeon General shall transmit to the Secretary, for submission to the Congress, on January 1, 1995, and on January 1, every 2 years thereafter, a full report of the administration of the functions of the Service under this Act, including a detailed statement of receipts and disbursements."

(b) REPORT ON HEALTH SERVICE RESEARCH ACTIVITIES.—Subsection (b) of section 494A of the Public Health Service Act (42 U.S.C. 289c-1(b)) is amended by striking "September 30, 1993, and annually thereafter" and inserting "December 30, 1993, and each December 30 thereafter".

(c) REPORT ON FAMILY PLANNING.—Section 1009(a) of the Public Health Service Act (42 U.S.C. 300a-7(a)) is amended by striking "each fiscal year" and inserting "fiscal year 1995, and each second fiscal year thereafter,".

(d) REPORT ON THE STATUS OF HEALTH INFORMATION AND HEALTH PROMOTION.—Section 1705(a) of the Public Health Service Act (42 U.S.C. 300u-4) is amended in the first sentence by striking out "annually" and inserting in lieu thereof "biennially".

#### CHAPTER 7—DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

##### SEC. 1071. REPORTS ELIMINATED.

(a) REPORTS ON PUBLIC HOUSING HOMEOWNERSHIP AND MANAGEMENT OPPORTUNITIES.—Section 21(f) of the United States Housing Act of 1937 (42 U.S.C. 1437s(f)) is repealed.

(b) INTERIM REPORT ON PUBLIC HOUSING MIXED INCOME NEW COMMUNITIES STRATEGY DEMONSTRATION.—Section 522(k)(1) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 1437f note) is repealed.

(c) BIENNIAL REPORT ON INTERSTATE LAND SALES REGISTRATION PROGRAM.—Section 1421 of the Interstate Land Sales Full Disclosure Act (15 U.S.C. 1719a) is repealed.

(d) QUARTERLY REPORT ON ACTIVITIES UNDER THE FAIR HOUSING INITIATIVES PROGRAM.—Section 561(e)(2) of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a(e)(2)) is repealed.

(e) COLLECTION OF AND ANNUAL REPORT ON RACIAL AND ETHNIC DATA.—Section 562(b) of the Housing and Community Development Act of 1987 (42 U.S.C. 3608a(b)) is repealed.

##### SEC. 1072. REPORTS MODIFIED.

(a) REPORT ON HOMEOWNERSHIP OF MULTI-FAMILY UNITS PROGRAM.—Section 431 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12880) is amended—

(1) in the section heading, by striking "ANNUAL"; and

(2) by striking "The Secretary shall annually" and inserting "The Secretary shall no later than December 31, 1995,".

(b) TRIENNIAL AUDIT OF TRANSACTIONS OF NATIONAL HOMEOWNERSHIP FOUNDATION.—Section 107(g)(1) of the Housing and Urban

Development Act of 1968 (12 U.S.C. 1701y(g)(1)) is amended by striking the last sentence.

(c) REPORT ON LOW-INCOME HOME ENERGY ASSISTANCE PROGRAM.—Section 2605(h) of the Low-Income Home Energy Assistance Act of 1981 (Public Law 97-35; 42 U.S.C. 8624(h)), is amended by striking out "(but not less frequently than every three years)."

#### CHAPTER 8—DEPARTMENT OF THE INTERIOR

##### SEC. 1081. REPORTS ELIMINATED.

(a) REPORT ON AUDITS IN FEDERAL ROYALTY MANAGEMENT SYSTEM.—Section 17(j) of the Mineral Leasing Act (30 U.S.C. 226(j)) is amended by striking the last sentence.

(b) REPORT ON DOMESTIC MINING, MINERALS, AND MINERAL RECLAMATION INDUSTRIES.—Section 2 of the Mining and Minerals Policy Act of 1970 (30 U.S.C. 21a) is amended by striking the last sentence.

(c) REPORT ON PHASE I OF THE HIGH PLAINS STATES GROUNDWATER DEMONSTRATION PROJECT.—Section 3(d) of the High Plains States Groundwater Demonstration Program Act of 1983 (43 U.S.C. 390g-1(d)) is repealed.

(d) REPORT ON RECLAMATION REFORM ACT COMPLIANCE.—Section 224(g) of the Reclamation Reform Act of 1982 (43 U.S.C. 390ww(g)) is amended by striking the last 2 sentences.

(e) REPORT ON GEOLOGICAL SURVEYS CONDUCTED OUTSIDE THE DOMAIN OF THE UNITED STATES.—Section 2 of Public Law 87-626 (43 U.S.C. 31(c)) is repealed.

(f) REPORT ON RECREATION USE FEES.—Section 4(h) of the Land and Water Conservation Fund Act of 1965 (16 U.S.C. 4601-6a(h)) is repealed.

(g) REPORT ON FEDERAL SURPLUS REAL PROPERTY PUBLIC BENEFIT DISCOUNT PROGRAM FOR PARKS AND RECREATION.—Section 203(o)(1) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)(1)) is amended by striking "subsection (k) of this section and".

##### SEC. 1082. REPORTS MODIFIED.

(a) REPORT ON LEVELS OF THE OGALLALA AQUIFER.—Title III of the Water Resources Research Act of 1984 (42 U.S.C. 10301 note) is amended—

(1) in section 306, by striking "annually" and inserting "biennially"; and

(2) in section 308, by striking "intervals of one year" and inserting "intervals of 2 years".

(b) REPORT ON EFFECTS OF OUTER CONTINENTAL SHELF LEASING ACTIVITIES ON HUMAN, MARINE, AND COASTAL ENVIRONMENTS.—Section 20(e) of the Outer Continental Shelf Lands Act (43 U.S.C. 1346(e)) is amended by striking "each fiscal year" and inserting "every 3 fiscal years".

#### CHAPTER 9—DEPARTMENT OF JUSTICE

##### SEC. 1091. REPORTS ELIMINATED.

(a) REPORT ON CRIME AND CRIME PREVENTION.—(1) Section 3126 of title 18, United States Code, is repealed.

(2) The table of sections for chapter 206 of title 18, United States Code, is amended by striking out the item relating to section 3126.

(b) REPORT ON DRUG INTERDICTION TASK FORCE.—Section 3301(a)(1)(C) of the National Drug Interdiction Act of 1986 (21 U.S.C. 801 note; Public Law 99-570; 100 Stat. 3207-98) is repealed.

(c) REPORT ON EQUAL ACCESS TO JUSTICE.—Section 2412(d)(5) of title 28, United States Code, is repealed.

(d) REPORT ON FEDERAL OFFENDER CHARACTERISTICS.—Section 3624(f)(6) of title 18, United States Code, is repealed.

(e) REPORT ON COSTS OF DEATH PENALTY.—The Anti-Drug Abuse Act of 1988 (Public Law

100-690; 102 Stat. 4395; 21 U.S.C. 848 note) is amended by striking out section 7002.

(f) MINERAL LANDS LEASING ACT.—Section 8B of the Mineral Lands Leasing Act (30 U.S.C. 208-2) is repealed.

(g) SMALL BUSINESS ACT.—Subsection (c) of section 10 of the Small Business Act (15 U.S.C. 639(c)) is repealed.

(h) ENERGY POLICY AND CONSERVATION ACT.—Section 252(i) of the Energy Policy Conservation Act (42 U.S.C. 6272(i)) is amended by striking "at least once every 6 months, a report" and inserting "at such intervals as are appropriate based on significant developments and issues, reports".

(i) REPORT ON FORFEITURE FUND.—Section 524(c) of title 28, United States Code, is amended—

(1) by striking out paragraph (7); and  
(2) by redesignating paragraphs (8) through (12) as paragraphs (7) through (11), respectively.

#### CHAPTER 10—DEPARTMENT OF LABOR

##### SEC. 1101. REPORTS ELIMINATED.

Section 408(d) of the Veterans Education and Employment Amendments of 1989 (38 U.S.C. 4100 note) is repealed.

##### SEC. 1102. REPORTS MODIFIED.

(a) REPORT ON THE ACTIVITIES CONDUCTED UNDER THE FAIR LABOR STANDARDS ACT OF 1938.—Section 4(d)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 204(d)(1)) is amended—

(1) by striking "annually" and inserting "biennially"; and

(2) by striking "preceding year" and inserting "preceding two years".

(b) ANNUAL REPORT OF THE OFFICE OF WORKERS' COMPENSATION.—

(1) REPORT ON THE ADMINISTRATION OF THE LONGSHORE AND HARBOR WORKERS' COMPENSATION ACT.—Section 42 of the Longshore and Harbor Workers' Compensation Act (33 U.S.C. 942) is amended—

(A) by striking "beginning of each" and all that follows through "Amendments of 1984" and inserting "end of each fiscal year"; and

(B) by adding the following new sentence at the end: "Such report shall include the annual reports required under section 426(b) of the Black Lung Benefits Act (30 U.S.C. 936(b)) and section 8194 of title 5, United States Code, and shall be identified as the Annual Report of the Office of Workers' Compensation Programs.".

(2) REPORT ON THE ADMINISTRATION OF THE BLACK LUNG BENEFITS PROGRAM.—Section 426(b) of the "Black Lung Benefits Act (30 U.S.C. 936(b)) is amended—

(A) by striking "Within" and all that follows through "Congress the" and inserting "At the end of each fiscal year, the"; and

(B) by adding the following new sentence at the end: "Each such report shall be prepared and submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942)."

(3) REPORT ON THE ADMINISTRATION OF THE FEDERAL EMPLOYEES' COMPENSATION ACT.—(A) Subchapter I of chapter 81 of title 5, United States Code, is amended by adding at the end thereof the following new section:

##### "§ 8152. Annual report

"The Secretary of Labor shall, at the end of each fiscal year, prepare a report with respect to the administration of this chapter. Such report shall be submitted to Congress in accordance with the requirement with respect to submission under section 42 of the Longshore Harbor Workers' Compensation Act (33 U.S.C. 942)."

(B) The table of sections for chapter 81 of title 5, United States Code, is amended by inserting after the item relating to section 8151 the following:

"8152. Annual report."

(c) ANNUAL REPORT ON THE DEPARTMENT OF LABOR.—Section 9 of an Act entitled "An Act to create a Department of Labor", approved March 4, 1913 (29 U.S.C. 560) is amended by striking "make a report" and all that follows through "the department" and inserting "prepare and submit to Congress the financial statements of the Department that have been audited".

#### CHAPTER 11—DEPARTMENT OF STATE

##### SEC. 1111. REPORTS ELIMINATED.

Section 8 of the Migration and Refugee Assistance Act of 1962 (22 U.S.C. 2606) is amended by striking subsection (b), and redesignating subsection (c) as subsection (b).

#### CHAPTER 12—DEPARTMENT OF TRANSPORTATION

##### SEC. 1121. REPORTS ELIMINATED.

(a) REPORT ON DEEPWATER PORT ACT OF 1974.—Section 20 of the Deepwater Port Act of 1974 (33 U.S.C. 1519) is repealed.

(b) REPORT ON COAST GUARD LOGISTICS CAPABILITIES CRITICAL TO MISSION PERFORMANCE.—Sections 5(a)(2) and 5(b) of the Coast Guard Authorization Act of 1988 (10 U.S.C. 2304 note) are repealed.

(c) REPORT ON MARINE PLASTIC POLLUTION RESEARCH AND CONTROL ACT OF 1987.—Section 2201(a) of the Marine Plastic Pollution Research and Control Act of 1987 (33 U.S.C. 1902 note) is amended by striking "biennially" and inserting "triennially".

(d) REPORT ON APPLIED RESEARCH AND TECHNOLOGY PROGRAM.—Section 307(e)(11) of title 23, United States Code, is repealed.

(e) REPORTS ON HIGHWAY SAFETY IMPROVEMENT PROGRAMS.—

(1) REPORT ON RAILWAY-HIGHWAY CROSSINGS PROGRAM.—Section 130(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(2) REPORT ON HAZARD ELIMINATION PROGRAM.—Section 152(g) of title 23, United States Code, is amended by striking the last 3 sentences.

(f) REPORT ON HIGHWAY SAFETY PERFORMANCE—FATAL AND INJURY ACCIDENT RATES ON PUBLIC ROADS IN THE UNITED STATES.—Section 207 of the Highway Safety Act of 1982 (23 U.S.C. 401 note) is repealed.

(g) REPORT ON HIGHWAY SAFETY PROGRAM STANDARDS.—Section 402(a) of title 23, United States Code, is amended by striking the fifth sentence.

(h) REPORT ON RAILROAD-HIGHWAY DEMONSTRATION PROJECTS.—Section 163(o) of the Federal-Aid Highway Act of 1973 (23 U.S.C. 130 note) is repealed.

(i) REPORT ON UNIFORM RELOCATION ACT AMENDMENTS OF 1987.—Section 103(b)(2) of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. 4604(b)(2)) is repealed.

(j) REPORT ON FEDERAL RAILROAD SAFETY ACT OF 1970.—Section 211 of the Federal Railroad Safety Act of 1970 (45 U.S.C. 440) is repealed.

(k) REPORT ON RAILROAD FINANCIAL ASSISTANCE.—Section 308(d) of title 49, United States Code, is repealed.

(l) REPORT ON USE OF ADVANCED TECHNOLOGY BY THE AUTOMOBILE INDUSTRY.—Section 305 of the Automotive Propulsion Research and Development Act of 1978 (15 U.S.C. 2704) is amended by striking the last sentence.

(m) REPORT ON OBLIGATIONS.—Section 4(b) of the Federal Transit Act (49 U.S.C. App. 1603(b)) is repealed.



(n) REPORT ON SUSPENDED LIGHT RAIL SYSTEM TECHNOLOGY PILOT PROJECT.—Section 26(c)(11) of the Federal Transit Act (49 U.S.C. App. 1622(c)(11)) is repealed.

(o) REPORT ON SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION.—Section 10(a) of the Act of May 13, 1954 (68 Stat. 96, chapter 201; 33 U.S.C. 989(a)) is repealed.

(p) REPORTS ON PIPELINES ON FEDERAL LANDS.—Section 28(w)(4) of the Mineral Leasing Act (30 U.S.C. 185(w)(4)) is repealed.

(q) REPORTS ON PIPELINE SAFETY.—

(1) REPORT ON NATURAL GAS PIPELINE SAFETY ACT OF 1968.—Section 16(a) of the Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1683(a)) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

(2) REPORT ON HAZARDOUS LIQUID PIPELINE SAFETY ACT OF 1979.—Section 213 of the Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2012) is amended in the first sentence by striking "of each year" and inserting "of each odd-numbered year".

#### SEC. 1122. REPORTS MODIFIED.

(a) REPORT ON MAJOR ACQUISITION PROJECTS.—Section 337 of the Department of Transportation and Related Agencies Appropriations Act, 1993 (Public Law 102-338; 106 Stat. 1551) is amended—

(1) by striking "quarter of any fiscal year beginning after December 31, 1992, unless the Commandant of the Coast Guard first submits a quarterly report" and inserting "half of any fiscal year beginning after December 31, 1995, unless the Commandant of the Coast Guard first submits a semiannual report"; and

(2) by striking "quarter." and inserting "half-fiscal year."

(b) REPORT ON OIL SPILL LIABILITY TRUST FUND.—The quarterly report regarding the Oil Spill Liability Trust Fund required to be submitted to the House and Senate Committees on Appropriations under House Report 101-892, accompanying the appropriations for the Coast Guard in the Department of Transportation and Related Agencies Appropriations Act, 1991, shall be submitted not later than 30 days after the end of the fiscal year in which this Act is enacted and annually thereafter.

(c) REPORT ON JOINT FEDERAL AND STATE MOTOR FUEL TAX COMPLIANCE PROJECT.—Section 1040(d)(1) of the Intermodal Surface Transportation Efficiency Act of 1991 (23 U.S.C. 101 note) is amended by striking "September 30 and".

(d) REPORT ON PUBLIC TRANSPORTATION.—Section 308(e)(1) of title 49, United States Code, is amended by striking "January of each even-numbered year" and inserting "March 1995, March 1996, and March of each odd-numbered year thereafter".

(e) REPORT ON NATION'S HIGHWAYS AND BRIDGES.—Section 307(h) of title 23, United States Code, is amended by striking "January 1983, and in January of every second year thereafter" and inserting "March 1995, March 1996, and March of each odd-numbered year thereafter".

#### CHAPTER 13—DEPARTMENT OF THE TREASURY

##### SEC. 1131. REPORTS ELIMINATED.

(a) REPORT ON THE OPERATION AND STATUS OF STATE AND LOCAL GOVERNMENT FISCAL ASSISTANCE TRUST FUND.—Paragraph (8) of section 14001(a) of the Consolidated Omnibus Budget Reconciliation Act of 1985 (31 U.S.C. 6701 note) is repealed.

(b) REPORT ON THE ANTIRECESSION PROVISIONS OF THE PUBLIC WORKS EMPLOYMENT ACT OF 1976.—Section 213 of the Public Works Employment Act of 1976 (42 U.S.C. 6733) is repealed.

(c) REPORT ON THE ASBESTOS TRUST FUND.—Paragraph (2) of section 5(c) of the Asbestos Hazard Emergency Response Act of 1986 (20 U.S.C. 4022(c)) is repealed.

##### SEC. 1132. REPORTS MODIFIED.

(a) REPORT ON THE WORLD CUP USA 1994 COMMEMORATIVE COIN ACT.—Subsection (g) of section 205 of the World Cup USA 1994 Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking "month" and inserting "calendar quarter".

(b) REPORTS ON VARIOUS FUNDS.—Subsection (b) of section 321 of title 31, United States Code, is amended—

(1) by striking "and" at the end of paragraph (5),

(2) by striking the period at the end of paragraph (6) and inserting "; and", and

(3) by adding after paragraph (6) the following new paragraph:

"(7) notwithstanding any other provision of law, fulfill any requirement to issue a report on the financial condition of any fund on the books of the Treasury by including the required information in a consolidated report, except that information with respect to a specific fund shall be separately reported if the Secretary determines that the consolidation of such information would result in an unwarranted delay in the availability of such information."

(c) REPORT ON THE JAMES MADISON-BILL OF RIGHTS COMMEMORATIVE COIN ACT.—Subsection (c) of section 506 of the James Madison-Bill of Rights Commemorative Coin Act (31 U.S.C. 5112 note) is amended by striking out "month" and inserting in lieu thereof "calendar quarter".

#### CHAPTER 14—DEPARTMENT OF VETERANS AFFAIRS

##### SEC. 1141. REPORTS ELIMINATED.

(a) REPORT ON FURNISHING CONTRACT CARE SERVICES.—Section 1703(c) of title 38, United States Code, is repealed.

(b) REPORT ON ADEQUACY OF RATES FOR STATE HOME CARE.—Section 1741 of such title is amended—

(1) by striking out subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(c) REPORT ON LOANS TO PURCHASE MANUFACTURED HOMES.—Section 3712 of such title is amended—

(1) by striking out subsection (1); and

(2) by redesignating subsection (m) as subsection (1).

(d) REPORT ON LEVEL OF TREATMENT CAPACITY.—Section 8110(a)(3) of such title is amended—

(1) in subparagraph (A)—

(A) by striking out "(A)"; and

(B) by redesignating clauses (i) and (ii) as subparagraphs (A) and (B), respectively; and

(2) by striking out subparagraph (B).

(e) REPORT ON COMPLIANCE WITH FUNDED PERSONNEL CODING.—

(1) REPEAL OF REPORT REQUIREMENT.—Section 8110(a)(4) of title 38, United States Code, is amended by striking out subparagraph (C).

(2) CONFORMING AMENDMENTS.—Section 8110(a)(4) of title 38, United States Code, is amended by—

(A) redesignating subparagraph (C) as subparagraph (D);

(B) in subparagraph (A), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)"; and

(C) in subparagraph (B), by striking out "subparagraph (D)" and inserting in lieu thereof "subparagraph (C)".

#### Subtitle II—Independent Agencies

##### CHAPTER 1—ACTION

##### SEC. 2011. REPORTS ELIMINATED.

Section 226 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5026) is amended—

(1) by striking subsection (b); and

(2) in subsection (a)—

(A) in paragraph (2), by striking "(2)" and inserting "(b)"; and

(B) in paragraph (1)—

(1) by striking "(1)(A)" and inserting "(1)"; and

(II) in subparagraph (B)—

(I) by striking "(B)" and inserting "(2)"; and

(II) by striking "subparagraph (A)" and inserting "paragraph (1)".

##### CHAPTER 2—ENVIRONMENTAL PROTECTION AGENCY

##### SEC. 2021. REPORTS ELIMINATED.

(a) REPORT ON ALLOCATION OF WATER.—Section 102 of the Federal Water Pollution Control Act (33 U.S.C. 1252) is amended by striking subsection (d).

(b) REPORT ON VARIANCE REQUESTS.—Section 301(n) of the Federal Water Pollution Control Act (33 U.S.C. 1311(n)) is amended by striking paragraph (8).

(c) REPORT ON IMPLEMENTATION OF CLEAN LAKES PROJECTS.—Section 314(d) of the Federal Water Pollution Control Act (33 U.S.C. 1324(d)) is amended—

(1) by striking paragraph (3); and

(2) by redesignating paragraph (4) as paragraph (3).

(d) REPORT ON USE OF MUNICIPAL SECONDARY EFFLUENT AND SLUDGE.—Section 516 of the Federal Water Pollution Control Act (33 U.S.C. 1375) (as amended by subsection (g)) is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(e) REPORT ON CERTAIN WATER QUALITY STANDARDS AND PERMITS.—Section 404 of the Water Quality Act of 1987 (Public Law 100-4; 33 U.S.C. 1375 note) is amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(f) REPORT ON CLASS V WELLS.—Section 1426 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h-5) is amended—

(1) in subsection (a), by striking "(a) MONITORING METHODS.—"; and

(2) by striking subsection (b).

(g) REPORT ON SOLE SOURCE AQUIFER DEMONSTRATION PROGRAM.—Section 1427 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h-6) is amended—

(1) by striking subsection (1); and

(2) by redesignating subsections (m) and (n) as subsections (1) and (m), respectively.

(h) REPORT ON SUPPLY OF SAFE DRINKING WATER.—Section 1442 of title XIV of the Public Health Service Act (commonly known as the "Safe Drinking Water Act") (42 U.S.C. 300h-6) is amended—

(1) by striking subsection (c);

(2) by redesignating subsection (d) as subsection (c); and

(3) by redesignating subsections (f) and (g) as subsections (d) and (e), respectively.

(i) REPORT ON NONNUCLEAR ENERGY AND TECHNOLOGIES.—Section 11 of the Federal Nonnuclear Energy Research and Development Act of 1974 (42 U.S.C. 5910) is repealed.

(j) REPORT ON EMISSIONS AT COAL-BURNING POWERPLANTS.—

(1) Section 745 of the Powerplant and Industrial Fuel Use Act of 1978 (42 U.S.C. 8455) is repealed.

(2) The table of contents in section 101(b) of such Act (42 U.S.C. prec. 8301) is amended by striking the item relating to section 745.

(k) 5-YEAR PLAN FOR ENVIRONMENTAL RESEARCH, DEVELOPMENT, AND DEMONSTRATION.—

(1) Section 5 of the Environmental Research, Development, and Demonstration Authorization Act of 1976 (42 U.S.C. 4361) is repealed.

(2) Section 4 of the Environmental Research, Development, and Demonstration Authorization Act of 1978 (42 U.S.C. 4361a) is repealed.

(3) Section 8 of such Act (42 U.S.C. 4365) is amended—

(A) by striking subsection (c); and  
(B) by redesignating subsections (d) through (i) as subsections (c) through (h), respectively.

(l) PLAN ON ASSISTANCE TO STATES FOR RADON PROGRAMS.—Section 305 of the Toxic Substances Control Act (15 U.S.C. 2665) is amended—

(1) by striking subsection (d); and  
(2) by redesignating subsections (e) and (f) as subsections (d) and (e), respectively.

#### CHAPTER 3—EQUAL OPPORTUNITY COMMISSION

##### SEC. 2031. REPORTS MODIFIED.

Section 705(k)(2)(C) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-4(k)(2)(C)) is amended—

(1) in the matter preceding clause (i), by striking "including" and inserting "including information, presented in the aggregate, relating to";

(2) in clause (i), by striking "the identity of each person or entity" and inserting "the number of persons and entities";

(3) in clause (ii), by striking "such person or entity" and inserting "such persons and entities"; and

(4) in clause (iii)—

(A) by striking "fee" and inserting "fees"; and

(B) by striking "such person or entity" and inserting "such persons and entities".

#### CHAPTER 4—FEDERAL AVIATION ADMINISTRATION

##### SEC. 2041. REPORTS ELIMINATED.

Section 7207(c)(4) of the Anti-Drug Abuse Act of 1988 (Public Law 100-690; 102 Stat. 4428; 49 U.S.C. App. 1354 note) is amended—

(1) by striking out "GAO"; and

(2) by striking out "the Comptroller General" and inserting in lieu thereof "the Department of Transportation Inspector General".

#### CHAPTER 5—FEDERAL COMMUNICATIONS COMMISSION

##### SEC. 2051. REPORTS ELIMINATED.

(a) REPORT TO THE CONGRESS UNDER THE COMMUNICATIONS SATELLITE ACT OF 1962.—Section 404(c) of the Communications Satellite Act of 1962 (47 U.S.C. 744(c)) is repealed.

(b) REIMBURSEMENT FOR AMATEUR EXAMINATION EXPENSES.—Section 4(f)(4)(J) of the Communications Act of 1934 (47 U.S.C. 154(f)(4)(J)) is amended by striking out the last sentence.

#### CHAPTER 6—FEDERAL DEPOSIT INSURANCE CORPORATION

##### SEC. 2061. REPORTS ELIMINATED.

Section 102(b)(1) of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242; 105 Stat. 2237; 12 U.S.C. 1825 note) is amended to read as follows:

"(1) QUARTERLY REPORTING.—Not later than 90 days after the end of any calendar quarter in which the Federal Deposit Insur-

ance Corporation (hereafter in this section referred to as the 'Corporation') has any obligations pursuant to section 14 of the Federal Deposit Insurance Act outstanding, the Comptroller General of the United States shall submit a report on the Corporation's compliance at the end of that quarter with section 15(c) of the Federal Deposit Insurance Act to the Committee on Banking, Housing, and Urban Affairs of the Senate and the Committee on Banking, Finance and Urban Affairs of the House of Representatives. Such a report shall be included in the Comptroller General's audit report for that year, as required by section 17 of the Federal Deposit Insurance Act."

#### CHAPTER 7—FEDERAL EMERGENCY MANAGEMENT AGENCY

##### SEC. 2071. REPORTS ELIMINATED.

Section 201(h) of the Federal Civil Defense Act of 1950 (50 U.S.C. App. 2281(h)) is amended by striking the second proviso.

#### CHAPTER 8—FEDERAL RETIREMENT THRIFT INVESTMENT BOARD

##### SEC. 2081. REPORTS ELIMINATED.

Section 9503 of title 31, United States Code, is amended by adding at the end thereof the following new subsection:

"(c) The requirements of this section are satisfied with respect to the Thrift Savings Plan described under subchapter III of chapter 84 of title 5, by preparation and transmission of the report described under section 8439(b) of such title."

#### CHAPTER 9—GENERAL SERVICES ADMINISTRATION

##### SEC. 2091. REPORTS ELIMINATED.

(a) REPORT ON PROPERTIES CONVEYED FOR HISTORIC MONUMENTS AND CORRECTIONAL FACILITIES.—Section 203(o) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(o)) is amended—

(1) by striking out paragraph (1);

(2) by redesignating paragraphs (2) and (3) as paragraphs (1) and (2), respectively; and

(3) in paragraph (2) (as so redesignated) by striking out "paragraph (2)" and inserting in lieu thereof "paragraph (3)".

(b) REPORT ON PROPOSED SALE OF SURPLUS REAL PROPERTY AND REPORT ON NEGOTIATED SALES.—Section 203(e)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(e)(6)) is repealed.

(c) REPORT ON PROPERTIES CONVEYED FOR WILDLIFE CONSERVATION.—Section 3 of the Act entitled "An Act authorizing the transfer of certain real property for wildlife, or other purposes", approved May 19, 1948 (16 U.S.C. 667; 62 Stat. 241) is amended by striking out "and shall be included in the annual budget transmitted to the Congress".

#### CHAPTER 10—INTERSTATE COMMERCE COMMISSION

##### SEC. 2101. REPORTS ELIMINATED.

Section 10327(k) of title 49, United States Code, is amended to read as follows:

"(k) If an extension granted under subsection (j) is not sufficient to allow for completion of necessary proceedings, the Commission may grant a further extension in an extraordinary situation if a majority of the Commissioners agree to the further extension by public vote."

#### CHAPTER 11—LEGAL SERVICES CORPORATION

##### SEC. 2111. REPORTS MODIFIED.

Section 1009(c)(2) of the Legal Services Corporation Act (42 U.S.C. 2996h(c)(2)) is amended by striking out "The" and inserting in lieu thereof "Upon request, the".

#### CHAPTER 12—NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

##### SEC. 2121. REPORTS ELIMINATED.

Section 21(g) of the Small Business Act (15 U.S.C. 648(g)) is amended to read as follows: "(g) NATIONAL AERONAUTICS AND SPACE ADMINISTRATION AND INDUSTRIAL APPLICATION CENTERS.—The National Aeronautics and Space Administration and industrial application centers supported by the National Aeronautics and Space Administration are authorized and directed to cooperate with small business development centers participating in the program."

#### CHAPTER 13—NATIONAL COUNCIL ON DISABILITY

##### SEC. 2131. REPORTS ELIMINATED.

Section 401(a) of the Rehabilitation Act of 1973 (29 U.S.C. 781(a)) is amended—

(1) by striking paragraph (9); and

(2) by redesignating paragraphs (10) and (11) as paragraphs (9) and (10), respectively.

#### CHAPTER 14—NATIONAL SCIENCE FOUNDATION

##### SEC. 2141. REPORTS ELIMINATED.

(a) STRATEGIC PLAN FOR SCIENCE AND ENGINEERING EDUCATION.—Section 107 of the Education for Economic Security Act (20 U.S.C. 3917) is repealed.

(b) BUDGET ESTIMATE.—Section 14 of the National Science Foundation Act of 1950 (42 U.S.C. 1873) is amended by striking subsection (j).

#### CHAPTER 15—NATIONAL TRANSPORTATION SAFETY BOARD

##### SEC. 2151. REPORTS MODIFIED.

Section 305 of the Independent Safety Board Act of 1974 (49 U.S.C. 1904) is amended—

(1) in paragraph (2) by adding "and" after the semicolon;

(2) in paragraph (3) by striking out "and" and inserting in lieu thereof a period; and

(3) by striking out paragraph (4).

#### CHAPTER 16—NEIGHBORHOOD REINVESTMENT CORPORATION

##### SEC. 2161. REPORTS ELIMINATED.

Section 607(c) of the Neighborhood Reinvestment Corporation Act (42 U.S.C. 8106(c)) is amended by striking the second sentence.

#### CHAPTER 17—NUCLEAR REGULATORY COMMISSION

##### SEC. 2171. REPORTS MODIFIED.

Section 208 of the Energy Reorganization Act of 1974 (42 U.S.C. 5848) is amended by striking "each quarter a report listing for that period" and inserting "an annual report listing for the previous fiscal year".

#### CHAPTER 18—OFFICE OF PERSONNEL MANAGEMENT

##### SEC. 2181. REPORTS ELIMINATED.

(a) REPORT ON CAREER RESERVED POSITIONS.—(1) Section 3135 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 31 of title 5, United States Code, is amended by striking out the item relating to section 3135.

(b) REPORT ON PERFORMANCE AWARDS.—Section 4314(d)(3) of title 5, United States Code, is repealed.

(c) REPORT ON TRAINING PROGRAMS.—(1) Section 4113 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 41 of title 5, United States Code, is amended by striking out the item relating to section 4113.

(d) REPORT ON PREVAILING RATE SYSTEM.—Section 5347 of title 5, United States Code, is



amended by striking out the fourth and fifth sentences.

(e) REPORT ON ACTIVITIES OF THE MERIT SYSTEMS PROTECTION BOARD AND THE OFFICE OF PERSONNEL MANAGEMENT.—Section 2304 of title 5, United States Code, is amended—

(1) in subsection (a) by striking out “(a)”; and  
(2) by striking subsection (b).

#### SEC. 2182. REPORTS MODIFIED.

(a) REPORT ON SENIOR EXECUTIVE SERVICE POSITIONS.—Section 3135(a) of title 5, United States Code, is amended—

(1) in paragraph (1) by striking out “, and the projected number of Senior Executive Service positions to be authorized for the next 2 fiscal years, in the aggregate and by agency”;  
(2) by striking out paragraphs (3) and (8); and  
(3) by redesignating paragraphs (4), (5), (6), (7), (9), and (10) as paragraphs (3), (4), (5), (6), (7), and (8), respectively.

(b) REPORT ON DISTRICT OF COLUMBIA RETIREMENT FUND.—Section 145 of the District of Columbia Retirement Reform Act (Public Law 96-122; 93 Stat. 882) is amended—

(1) in subsection (b)—  
(A) in paragraph (1)—  
(i) by striking out “(1)”;  
(ii) by striking out “and the Comptroller General shall each” and inserting in lieu thereof “shall”; and  
(iii) by striking out “each”; and  
(B) by striking out paragraph (2); and  
(2) in subsection (d), by striking out “the Comptroller General and” each place it appears.

(c) REPORT ON REVOLVING FUND.—Section 1304(e)(6) of title 5, United States Code, is amended by striking out “at least once every three years”.

#### CHAPTER 19—OFFICE OF THRIFT SUPERVISION

##### SEC. 2191. REPORTS MODIFIED.

Section 18(c)(6)(B) of the Federal Home Loan Bank Act (12 U.S.C. 1438(c)(6)(B)) is amended—

(1) by striking out “annually”;  
(2) by striking out “audit, settlement,” and inserting in lieu thereof “settlement”; and  
(3) by striking out “, and the first audit” and all that follows through “enacted”.

#### CHAPTER 20—PANAMA CANAL COMMISSION

##### SEC. 2201. REPORTS ELIMINATED.

(a) REPORTS ON PANAMA CANAL.—Section 1312 of the Panama Canal Act of 1979 (Public Law 96-70; 22 U.S.C. 3722) is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by striking out the item relating to section 1312.

#### CHAPTER 21—POSTAL SERVICE

##### SEC. 2211. REPORTS MODIFIED.

(a) REPORT ON CONSUMER EDUCATION PROGRAMS.—Section 4(b) of the mail Order Consumer Protection Amendments of 1983 (39 U.S.C. 3001 note; Public Law 98-186; 97 Stat. 1318) is amended to read as follows:

“(b) A summary of the activities carried out under subsection (a) shall be included in the first semiannual report submitted each year as required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).”

(b) REPORT ON INVESTIGATIVE ACTIVITIES.—Section 3013 of title 39, United States Code, is amended in the last sentence by striking out “the Board shall transmit such report to the Congress” and inserting in lieu thereof “the information in such report shall be in-

cluded in the next semiannual report required under section 5 of the Inspector General Act of 1978 (5 U.S.C. App.).”

#### CHAPTER 22—RAILROAD RETIREMENT BOARD

##### SEC. 2221. REPORTS MODIFIED.

Section 502 of the Railroad Retirement Solvency Act of 1983 (45 U.S.C. 231f-1) is amended by striking “On or before July 1, 1985, and each calendar year thereafter” and inserting “As part of the annual report required under section 22(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231u(a))”.

#### CHAPTER 23—THRIFT DEPOSITOR PROTECTION OVERSIGHT BOARD

##### SEC. 2231. REPORTS MODIFIED.

Section 21A(k)(9) of the Federal Home Loan Bank Act (12 U.S.C. 1441a(k)(9)) is amended by striking out “the end of each calendar quarter” and inserting in lieu thereof “June 30 and December 31 of each calendar year”.

#### CHAPTER 24—UNITED STATES INFORMATION AGENCY

##### SEC. 2241. REPORTS ELIMINATED.

Notwithstanding section 601(c)(4) of the Foreign Service Act of 1980 (22 U.S.C. 4001(c)(4)), the reports otherwise required under such section shall not cover the activities of the United States Information Agency.

#### Subtitle III—Reports by All Departments and Agencies

##### SEC. 3001. REPORTS ELIMINATED.

(a) REPORT ON PART-TIME EMPLOYMENT.—(1) Section 3407 of title 5, United States Code, is repealed.

(2) The table of sections for chapter 34 of title 5, United States Code, is amended by striking out the item relating to section 3407.

(b) BUDGET INFORMATION ON CONSULTING SERVICES.—(1) Section 1114 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 11 of title 31, United States Code, is amended by striking out the item relating to section 1114.

(c) SEMI-ANNUAL REPORT ON LOBBYING.—Section 1352 of title 31, United States Code, is amended by—

(1) striking out subsection (d); and  
(2) redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

(d) REPORTS ON PROGRAM FRAUD AND CIVIL REMEDIES.—(1) Section 3810 of title 31, United States Code, is repealed.

(2) The table of sections for chapter 38 of title 31, United States Code, is amended by striking out the item relating to section 3810.

(e) REPORT ON RIGHT TO FINANCIAL PRIVACY ACT.—Section 1121 of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3421) is repealed.

(f) REPORT ON FOREIGN LOAN RISKS.—Section 913(d) of the International Lending Supervision Act of 1983 (12 U.S.C. 3912(d)) is repealed.

(g) REPORT ON PLANS TO CONVERT TO THE METRIC SYSTEM.—Section 12 of the Metric Conversion Act of 1975 (15 U.S.C. 205j-1) is repealed.

(h) REPORT ON TECHNOLOGY UTILIZATION AND INTELLECTUAL PROPERTY RIGHTS.—Section 11(f) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(f)) is repealed.

(i) REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE.—Section 4(a) of the Act entitled

“An Act to authorize the making, amendment, and modification of contracts to facilitate the national defense”, approved August 28, 1958 (50 U.S.C. 1434(a)), is amended by striking out “all such actions taken” and inserting in lieu thereof “if any such action has been taken”.

(j) REPORTS ON DETAILING EMPLOYEES.—Section 619 of the Treasury, Postal Service, and General Government Appropriations Act, 1993 (Public Law 102-393; 106 Stat. 1769), is repealed.

##### SEC. 3002. REPORTS MODIFIED.

Section 552b(j) of title 5, United States Code, is amended to read as follows:

“(j) Each agency subject to the requirements of this section shall annually report to the Congress regarding the following:

“(1) The changes in the policies and procedures of the agency under this section that have occurred during the preceding 1-year period.

“(2) A tabulation of the number of meetings held, the exemptions applied to close meetings, and the days of public notice provided to close meetings.

“(3) A brief description of litigation or formal complaints concerning the implementation of this section by the agency.

“(4) A brief explanation of any changes in law that have affected the responsibilities of the agency under this section.”

#### Subtitle IV—Effective Date

##### SEC. 4001. EFFECTIVE DATE.

Except as otherwise provided in this title, the provisions of this title and amendments made by this title shall take effect on the date of the enactment of this Act.

MOTION OFFERED BY MR. CLINGER

Mr. CLINGER. Mr. Chairman, I offer a motion.

The Clerk read as follows:

Mr. CLINGER moves to strike all after the enacting clause of S. 244 and to insert in lieu thereof the text of H.R. 830, as passed, as follows:

H.R. 830

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Paperwork Reduction Act of 1995”.

#### SEC. 2. COORDINATION OF FEDERAL INFORMATION POLICY.

Chapter 35 of title 44, United States Code, is amended to read as follows:

#### “CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

“Sec.

“3501. Purposes.

“3502. Definitions.

“3503. Office of Information and Regulatory Affairs.

“3504. Authority and functions of Director.

“3505. Assignment of tasks and deadlines.

“3506. Federal agency responsibilities.

“3507. Public information collection activities; submission to Director; approval and delegation.

“3508. Determination of necessity for information; hearing.

“3509. Designation of central collection agency.

“3510. Cooperation of agencies in making information available.

“3511. Establishment and operation of Government Information Locator Service.

“3512. Public protection.

“3513. Director review of agency activities; reporting; agency response.

- "3514. Responsiveness to Congress.
- "3515. Administrative powers.
- "3516. Rules and regulations.
- "3517. Consultation with other agencies and the public.
- "3518. Effect on existing laws and regulations.
- "3519. Access to information.
- "3520. Authorization of appropriations.

#### "§ 3501. Purposes

- "The purposes of this chapter are to—
- "(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;
  - "(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;
  - "(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;
  - "(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;
  - "(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;
  - "(6) strengthen the partnership between the Federal Government, State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;
  - "(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;
  - "(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—
    - "(A) privacy and confidentiality, including section 552a of title 5;
    - "(B) security of information, including the Computer Security Act of 1987 (Public Law 100-235); and
    - "(C) access to information, including section 552 of title 5;
  - "(9) ensure the integrity, quality, and utility of the Federal statistical system;
  - "(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and
  - "(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this chapter.

#### "§ 3502. Definitions

- "As used in this chapter—
- "(1) the term 'agency' means any executive department, military department, Govern-

ment corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

- "(A) the General Accounting Office;
  - "(B) Federal Election Commission;
  - "(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or
  - "(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;
- "(2) the term 'burden' means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—
- "(A) reviewing instructions;
  - "(B) acquiring, installing, and utilizing technology and systems;
  - "(C) adjusting the existing ways to comply with any previously applicable instructions and requirements;
  - "(D) searching data sources;
  - "(E) completing and reviewing the collection of information; and
  - "(F) transmitting, or otherwise disclosing the information;
- "(3) the term 'collection of information' means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—
- "(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or
  - "(B) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes;
- "(4) the term 'Director' means the Director of the Office of Management and Budget;
- "(5) the term 'independent regulatory agency' means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;
- "(6) the term 'information resources' means information and related resources, such as personnel, equipment, funds, and information technology;
- "(7) the term 'information resources management' means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;
- "(8) the term 'information system' means a discrete set of information resources and processes, automated or manual, organized

for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

"(9) the term 'information technology' has the same meaning as the term 'automatic data processing equipment' as defined by section 111(a)(2) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2));

"(10) the term 'person' means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

"(11) the term 'practical utility' means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

"(12) the term 'public information' means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public; and

"(13) the term 'recordkeeping requirement' means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

- "(A) retain such records;
- "(B) notify third parties or the public of the existence of such records;
- "(C) disclose such records to third parties or the public; or
- "(D) report to third parties or the public regarding such records.

#### "§ 3503. Office of Information and Regulatory Affairs

"(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

"(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

#### "§ 3504. Authority and functions of Director

- "(a)(1) The Director shall—
  - "(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and
  - "(B) provide direction and oversee—
    - "(i) the review and approval of the collection of information and the reduction of the information collection burden;
    - "(ii) agency dissemination of and public access to information;
    - "(iii) statistical activities;
    - "(iv) records management activities;
    - "(v) privacy, confidentiality, security, disclosure, and sharing of information; and
    - "(vi) the acquisition and use of information technology.
- "(2) The authority of the Director under this chapter shall be exercised consistent with applicable law.
- "(b) With respect to general information resources management policy, the Director shall—
  - "(i) develop and oversee the implementation of uniform information resources management policies, principles, standards, and guidelines;



"(2) foster greater sharing, dissemination, and access to public information, including through—

"(A) the use of the Government Information Locator Service; and

"(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interoperability and interoperability;

"(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

"(4) oversee the development and implementation of best practices in information resources management, including training; and

"(5) oversee agency integration of program and management functions with information resources management functions.

"(c) With respect to the collection of information and the control of paperwork, the Director shall—

"(1) review and approve proposed agency collections of information;

"(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement, acquisition, and payment and to reduce information collection burdens on the public;

"(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

"(4) maximize the practical utility of and public benefit from information collected by or for the Federal Government;

"(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information; and

"(6) place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

"(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to—

"(1) apply to Federal agency dissemination of public information, regardless of the form or format in which such information is disseminated; and

"(2) promote public access to public information and fulfill the purposes of this chapter, including through the effective use of information technology.

"(e) With respect to statistical policy and coordination, the Director shall—

"(1) coordinate the activities of the Federal statistical system to ensure—

"(A) the efficiency and effectiveness of the system; and

"(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

"(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

"(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning—

"(A) statistical collection procedures and methods;

"(B) statistical data classification;

"(C) statistical information presentation and dissemination;

"(D) timely release of statistical data; and

"(E) such statistical data sources as may be required for the administration of Federal programs;

"(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

"(5) promote the sharing of information collected for statistical purposes consistent with privacy rights and confidentiality pledges;

"(6) coordinate the participation of the United States in international statistical activities, including the development of comparable statistics;

"(7) appoint a chief statistician who is a trained and experienced professional statistician to carry out the functions described under this subsection;

"(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall—

"(A) be headed by the chief statistician; and

"(B) consist of—

"(1) the heads of the major statistical programs; and

"(2) representatives of other statistical agencies under rotating membership; and

"(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which—

"(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

"(B) all costs of the training shall be paid by the agency requesting training.

"(f) With respect to records management, the Director shall—

"(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this chapter;

"(2) review compliance by agencies with—

"(A) the requirements of chapters 29, 31, and 33 of this title; and

"(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

"(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

"(g) With respect to privacy and security, the Director shall—

"(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

"(2) oversee and coordinate compliance with sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) require Federal agencies, consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, the Director shall—

"(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services—

"(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

"(B) oversee the development and implementation of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(d));

"(2) monitor the effectiveness of, and compliance with, directives issued under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757 and 759);

"(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

"(4) ensure, through the review of agency budget proposals, information resources management plans and other means—

"(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

"(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

"(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

#### "§ 3505. Assignment of tasks and deadlines

"(a) In carrying out the functions under this chapter, the Director shall—

"(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least 10 percent, and set annual agency goals to—

"(A) reduce information collection burdens imposed on the public that—

"(i) represent the maximum practicable opportunity in each agency; and

"(ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

"(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

"(2) with selected agencies and non-Federal entities on a voluntary basis, initiate and conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this chapter, particularly with regard to minimizing the Federal information collection burden; and

"(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

"(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

"(B) plans for—

"(1) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

"(11) enhancing public access to and dissemination of, information, using electronic and other formats; and

"(111) meeting the information technology needs of the Federal Government in accordance with the purposes of this chapter; and

"(C) a description of progress in applying information resources management to improve agency performance and the accomplishment of missions.

"(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may waive the application of any regulation or administrative directive issued by an agency with which the project is conducted, including any regulation or directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

#### **"§ 3506. Federal agency responsibilities**

"(a)(1) The head of each agency shall be responsible for—

"(A) carrying out the agency's information resources management activities to improve agency productivity, efficiency, and effectiveness; and

"(B) complying with the requirements of this chapter and related policies established by the Director.

"(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a senior official who shall report directly to such agency head to carry out the responsibilities of the agency under this chapter.

"(B) The Secretary of the Department of Defense and the Secretary of each military department may each designate a senior official who shall report directly to such Secretary to carry out the responsibilities of the department under this chapter. If more than one official is designated for the military departments, the respective duties of the officials shall be clearly delineated.

"(3) The senior official designated under paragraph (2) shall head an office responsible for ensuring agency compliance with and prompt, efficient, and effective implementation of the information policies and information resources management responsibilities established under this chapter, including the reduction of information collection burdens on the public. The senior official and employees of such office shall be selected with special attention to the professional qualifications required to administer the functions described under this chapter.

"(4) Each agency program official shall be responsible and accountable for information resources assigned to and supporting the programs under such official. In consultation with the senior official designated under paragraph (2) and the agency Chief Financial Officer (or comparable official), each agency program official shall define program information needs and develop strategies, systems, and capabilities to meet those needs.

"(b) With respect to general information resources management, each agency shall—

"(1) manage information resources to—

"(A) reduce information collection burdens on the public;

"(B) increase program efficiency and effectiveness; and

"(C) improve the integrity, quality, and utility of information to all users within and outside the agency, including capabilities for ensuring dissemination of public informa-

tion, public access to government information, and protections for privacy and security;

"(2) in accordance with guidance by the Director, develop and maintain a strategic information resources management plan that shall describe how information resources management activities help accomplish agency missions;

"(3) develop and maintain an ongoing process to—

"(A) ensure that information resources management operations and decisions are integrated with organizational planning, budget, financial management, human resources management, and program decisions;

"(B) in cooperation with the agency Chief Financial Officer (or comparable official), develop a full and accurate accounting of information technology expenditures, related expenses, and results; and

"(C) establish goals for improving information resources management's contribution to program productivity, efficiency, and effectiveness, methods for measuring progress towards those goals, and clear roles and responsibilities for achieving those goals;

"(4) in consultation with the Director, the Administrator of General Services, and the Archivist of the United States, maintain a current and complete inventory of the agency's information resources, including directories necessary to fulfill the requirements of section 3511 of this chapter; and

"(5) in consultation with the Director and the Director of the Office of Personnel Management, conduct formal training programs to educate agency program and management officials about information resources management.

"(c) With respect to the collection of information and the control of paperwork, each agency shall—

"(1) establish a process within the office headed by the official designated under subsection (a), that is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved under this chapter, to—

"(A) review each collection of information before submission to the Director for review under this chapter, including—

"(i) an evaluation of the need for the collection of information;

"(ii) a functional description of the information to be collected;

"(iii) a plan for the collection of the information;

"(iv) a specific, objectively supported estimate of burden;

"(v) a test of the collection of information through a pilot program, if appropriate; and

"(vi) a plan for the efficient and effective management and use of the information to be collected, including necessary resources;

"(B) ensure that each information collection—

"(i) is inventoried, displays a control number and, if appropriate, an expiration date;

"(ii) indicates the collection is in accordance with the clearance requirements of section 3507; and

"(iii) contains a statement to inform the person receiving the collection of information—

"(I) the reasons the information is being collected;

"(II) the way such information is to be used;

"(III) an estimate, to the extent practicable, of the burden of the collection; and

"(IV) whether responses to the collection of information are voluntary, required to obtain a benefit, or mandatory; and

"(C) assess the information collection burden of proposed legislation affecting the agency;

"(2)(A) except for good cause or as provided under subparagraph (B), provide 60-day notice in the Federal Register, and otherwise consult with members of the public and affected agencies concerning each proposed collection of information, to solicit comment to—

"(i) evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility;

"(ii) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;

"(iii) enhance the quality, utility, and clarity of the information to be collected; and

"(iv) minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology; and

"(B) for any proposed collection of information contained in a proposed rule (to be reviewed by the Director under section 3507(d)), provide notice and comment through the notice of proposed rulemaking for the proposed rule and such notice shall have the same purposes specified under subparagraph (A) (i) through (iv);

"(3) certify (and provide a record supporting such certification, including public comments received by the agency) that each collection of information submitted to the Director for review under section 3507—

"(A) is necessary for the proper performance of the functions of the agency, including that the information has practical utility;

"(B) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(C) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined under section 601(6) of title 5, the use of such techniques as—

"(i) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(ii) the clarification, consolidation, or simplification of compliance and reporting requirements; or

"(iii) an exemption from coverage of the collection of information, or any part thereof;

"(D) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(E) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(F) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

"(G) contains the statement required under paragraph (1)(B)(iii);

"(H) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;



"(I) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(J) to the maximum extent practicable, uses information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public; and

"(4) place an emphasis on minimizing the burden on small businesses with 50 or fewer employees.

"(d) With respect to information dissemination, each agency shall—

"(1) ensure that the public has timely, equal, and equitable access to the agency's public information, including ensuring such access through—

"(A) encouraging a diversity of public and private sources for information based on government public information,

"(B) in cases in which the agency provides public information maintained in electronic format, providing timely, equal, and equitable access to the underlying data (in whole or in part); and

"(C) agency dissemination of public information in an efficient, effective, and economical manner;

"(2) regularly solicit and consider public input on the agency's information dissemination activities;

"(3) provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

"(4) not, except where specifically authorized by statute—

"(A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;

"(B) restrict or regulate the use, resale, or redistribution of public information by the public;

"(C) charge fees or royalties for resale or redistribution of public information; or

"(D) establish user fees for public information that exceed the cost of dissemination, except that the Director may waive the application of this subparagraph to an agency, if—

"(1) the head of the agency submits a written request to the Director, publishes a notice of the request in the Federal Register, and provides a copy of the request to the public upon request;

"(1) the Director sets forth in writing a statement of the scope, conditions, and duration of the waiver and the reasons for granting it, and makes such statement available to the public upon request; and

"(11) the granting of the waiver would not materially impair the timely and equitable availability of public information to the public.

"(e) With respect to statistical policy and coordination, each agency shall—

"(1) ensure the relevance, accuracy, timeliness, integrity, and objectivity of information collected or created for statistical purposes;

"(2) inform respondents fully and accurately about the sponsors, purposes, and uses of statistical surveys and studies;

"(3) protect respondents' privacy and ensure that disclosure policies fully honor pledges of confidentiality;

"(4) observe Federal standards and practices for data collection, analysis, documentation, sharing, and dissemination of information;

"(5) ensure the timely publication of the results of statistical surveys and studies, including information about the quality and limitations of the surveys and studies; and

"(6) make data available to statistical agencies and readily accessible to the public.

"(f) With respect to records management, each agency shall implement and enforce applicable policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

"(g) With respect to privacy and security, each agency shall—

"(1) implement and enforce applicable policies, procedures, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for the agency;

"(2) assume responsibility and accountability for compliance with and coordinated management of sections 552 and 552a of title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note), and related information management laws; and

"(3) consistent with the Computer Security Act of 1987 (40 U.S.C. 759 note), identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

"(h) With respect to Federal information technology, each agency shall—

"(1) implement and enforce applicable Governmentwide and agency information technology management policies, principles, standards, and guidelines;

"(2) assume responsibility and accountability for information technology investments;

"(3) promote the use of information technology by the agency to improve the productivity, efficiency, and effectiveness of agency programs, including the reduction of information collection burdens on the public and improved dissemination of public information;

"(4) propose changes in legislation, regulations, and agency procedures to improve information technology practices, including changes that improve the ability of the agency to use technology to reduce burden; and

"(5) assume responsibility for maximizing the value and assessing and managing the risks of major information systems initiatives through a process that is—

"(A) integrated with budget, financial, and program management decisions; and

"(B) used to select, control, and evaluate the results of major information systems initiatives.

#### **"§ 3507. Public information collection activities; submission to Director; approval and delegation**

"(a) An agency shall not conduct or sponsor the collection of information unless in advance of the adoption or revision of the collection of information—

"(1) the agency has—

"(A) conducted the review established under section 3506(c)(1);

"(B) evaluated the public comments received under section 3506(c)(2);

"(C) submitted to the Director the certification required under section 3506(c)(3), the proposed collection of information, copies of pertinent statutory authority, regulations, and other related materials as the Director may specify; and

"(D) published a notice in the Federal Register—

"(i) stating that the agency has made such submission; and

"(ii) setting forth—

"(I) a title for the collection of information;

"(II) a summary of the collection of information;

"(III) a brief description of the need for the information and the proposed use of the information;

"(IV) a description of the likely respondents and proposed frequency of response to the collection of information;

"(V) an estimate of the burden that shall result from the collection of information; and

"(VI) notice that comments may be submitted to the agency and Director;

"(2) the Director has approved the proposed collection of information or approval has been inferred, under the provisions of this section; and

"(3) the agency has obtained from the Director a control number to be displayed upon the collection of information.

"(b) The Director shall provide at least 30 days for public comment prior to making a decision under subsection (c), (d), or (h), except for good cause or as provided under subsection (j).

"(c)(1) For any proposed collection of information not contained in a proposed rule, the Director shall notify the agency involved of the decision to approve or disapprove the proposed collection of information.

"(2) The Director shall provide the notification under paragraph (1), within 60 days after receipt or publication of the notice under subsection (a)(1)(D), whichever is later.

"(3) If the Director does not notify the agency of a denial or approval within the 60-day period described under paragraph (2)—

"(A) the approval may be inferred;

"(B) a control number shall be assigned without further delay; and

"(C) the agency may collect the information for not more than 1 year.

"(d)(1) For any proposed collection of information contained in a proposed rule—

"(A) as soon as practicable, but no later than the date of publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information and any information requested by the Director necessary to make the determination required under this subsection; and

"(B) within 60 days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information contained in the proposed rule;

"(2) When a final rule is published in the Federal Register, the agency shall explain—

"(A) how any collection of information contained in the final rule responds to the comments, if any, filed by the Director or the public; or

"(B) the reasons such comments were rejected.

"(3) If the Director has received notice and failed to comment on an agency rule within 60 days after the notice of proposed rulemaking, the Director may not disapprove any collection of information specifically contained in an agency rule.

"(4) No provision in this section shall be construed to prevent the Director, in the Director's discretion—

"(A) from disapproving any collection of information which was not specifically required by an agency rule;

"(B) from disapproving any collection of information contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection;

"(C) from disapproving any collection of information contained in a final agency rule, if the Director finds within 60 days after the publication of the final rule, and after considering the agency's response to the Director's comments filed under paragraph (2), that the collection of information cannot be approved under the standards set forth in section 3508; or

"(D) from disapproving any collection of information contained in a final rule, if—

"(i) the Director determines that the agency has substantially modified in the final rule the collection of information contained in the proposed rule; and

"(ii) the agency has not given the Director the information required under paragraph (1) with respect to the modified collection of information, at least 60 days before the issuance of the final rule.

"(5) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(6) The decision by the Director to approve or not act upon a collection of information contained in an agency rule shall not be subject to judicial review.

"(e)(1) Any decision by the Director under subsection (c), (d), (h), or (i) to disapprove a collection of information, or to instruct the agency to make substantive or material change to a collection of information, shall be publicly available and include an explanation of the reasons for such decision.

"(2) Any written communication between the Administrator of the Office of Information and Regulatory Affairs, or any employee of the Office of Information and Regulatory Affairs, and an agency or person not employed by the Federal Government concerning a proposed collection of information shall be made available to the public.

"(3) This subsection shall not require the disclosure of—

"(A) any information which is protected at all times by procedures established for information which has been specifically authorized under criteria established by an Executive order or an Act of Congress to be kept secret in the interest of national defense or foreign policy; or

"(B) any communication relating to a collection of information, the disclosure of which could lead to retaliation or discrimination against the communicator.

"(f)(1) An independent regulatory agency which is administered by 2 or more members of a commission, board, or similar body, may by majority vote void—

"(A) any disapproval by the Director, in whole or in part, of a proposed collection of information that agency; or

"(B) an exercise of authority under subsection (d) of section 3507 concerning that agency.

"(2) The agency shall certify each vote to void such disapproval or exercise to the Director, and explain the reasons for such vote. The Director shall without further delay assign a control number to such collection of information, and such vote to void the disapproval or exercise shall be valid for a period of 3 years.

"(g) The Director may not approve a collection of information for a period in excess of 3 years.

"(h)(1) If an agency decides to seek extension of the Director's approval granted for a currently approved collection of information, the agency shall—

"(A) conduct the review established under section 3506(c), including the seeking of comment from the public on the continued need for, and burden imposed by the collection of information; and

"(B) after having made a reasonable effort to seek public comment, but no later than 60 days before the expiration date of the control number assigned by the Director for the currently approved collection of information, submit the collection of information for review and approval under this section, which shall include an explanation of how the agency has used the information that it has collected.

"(2) If under the provisions of this section, the Director disapproves a collection of information contained in an existing rule, or recommends or instructs the agency to make a substantive or material change to a collection of information contained in an existing rule, the Director shall—

"(A) publish an explanation thereof in the Federal Register; and

"(B) instruct the agency to undertake a rulemaking within a reasonable time limited to consideration of changes to the collection of information contained in the rule and thereafter to submit the collection of information for approval or disapproval under this chapter.

"(3) An agency may not make a substantive or material modification to a collection of information after such collection has been approved by the Director, unless the modification has been submitted to the Director for review and approval under this chapter.

"(i)(1) If the Director finds that a senior official of an agency designated under section 3506(a) is sufficiently independent of program responsibility to evaluate fairly whether proposed collections of information should be approved and has sufficient resources to carry out this responsibility effectively, the Director may, by rule in accordance with the notice and comment provisions of chapter 5 of title 5, United States Code, delegate to such official the authority to approve proposed collections of information in specific program areas, for specific purposes, or for all agency purposes.

"(2) A delegation by the Director under this section shall not preclude the Director from reviewing individual collections of information if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval authority has been delegated under this section shall comply fully with the rules and regulations promulgated by the Director.

"(j)(1) The agency head may request the Director to authorize collection of information prior to expiration of time periods established under this chapter, if an agency head determines that—

"(A) a collection of information—

"(i) is needed prior to the expiration of such time periods; and

"(ii) is essential to the mission of the agency; and

"(B) the agency cannot reasonably comply with the provisions of this chapter within such time periods because—

"(i) public harm is reasonably likely to result if normal clearance procedures are followed; or

"(ii) an unanticipated event has occurred and the use of normal clearance procedures is reasonably likely to prevent or disrupt the collection of information related to the event or is reasonably likely to cause a statutory or court-ordered deadline to be missed.

"(2) The Director shall approve or disapprove any such authorization request within the time requested by the agency

head and, if approved, shall assign the collection of information a control number. Any collection of information conducted under this subsection may be conducted without compliance with the provisions of this chapter for a maximum of 90 days after the date on which the Director received the request to authorize such collection.

#### "§ 3508. Determination of necessity for information; hearing

"Before approving a proposed collection of information, the Director shall determine whether the collection of information by the agency is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary for any reason, the agency may not engage in the collection of information.

#### "§ 3509. Designation of central collection agency

"The Director may designate a central collection agency to obtain information for two or more agencies if the Director determines that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with applicable law. In such cases the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by the designation may not obtain for itself information for the agency which is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require. The authority to designate under this section is subject to the provisions of section 3507(f) of this chapter.

#### "§ 3510. Cooperation of agencies in making information available

"(a) The Director may direct an agency to make available to another agency, or an agency may make available to another agency, information obtained by a collection of information if the disclosure is not inconsistent with applicable law.

"(b)(1) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

"(2) The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

#### "§ 3511. Establishment and operation of Government Information Locator Service

"In order to assist agencies and the public in locating information and to promote information sharing and equitable access by the public, the Director shall—



"(1) cause to be established and maintained a distributed agency-based electronic Government Information Locator Service (hereafter in this section referred to as the 'Service'), which shall identify the major information systems, holdings, and dissemination products of each agency;

"(2) require each agency to establish and maintain an agency information locator service as a component of, and to support the establishment and operation of the Service;

"(3) in cooperation with the Archivist of the United States, the Administrator of General Services, the Public Printer, and the Librarian of Congress, establish an interagency committee to advise the Secretary of Commerce on the development of technical standards for the Service to ensure compatibility, promote information sharing, and uniform access by the public;

"(4) consider public access and other user needs in the establishment and operation of the Service;

"(5) ensure the security and integrity of the Service, including measures to ensure that only information which is intended to be disclosed to the public is disclosed through the Service; and

"(6) periodically review the development and effectiveness of the Service and make recommendations for improvement, including other mechanisms for improving public access to Federal agency public information.

#### "§ 3512. Public protection

"(a) Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to maintain or provide information to any agency if the collection of information involved was made after December 31, 1981, and at the time of the failure did not display a current control number assigned by the Director, or fails to state that such request is not subject to this chapter.

"(b) Actions taken by agencies which are not in compliance with subsection (a) of this section shall give rise to a complete defense or bar to such action by an agency, which may be raised at any time during the agency decision making process or judicial review of the agency decision under any available process for judicial review.

#### "§ 3513. Director review of agency activities; reporting; agency response

"(a) In consultation with the Administrator of General Services, the Archivist of the United States, the Director of the National Institute of Standards and Technology, and the Director of the Office of Personnel Management, the Director shall periodically review selected agency information resources management activities to ascertain the efficiency and effectiveness of such activities to improve agency performance and the accomplishment of agency missions.

"(b) Each agency having an activity reviewed under subsection (a) shall, within 60 days after receipt of a report on the review, provide a written plan to the Director describing steps (including milestones) to—

"(1) be taken to address information resources management problems identified in the report; and

"(2) improve agency performance and the accomplishment of agency missions.

#### "§ 3514. Responsiveness to Congress

"(a)(1) The Director shall—

"(A) keep the Congress and congressional committees fully and currently informed of the major activities under this chapter; and

"(B) submit a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as the Director determines necessary.

"(2) The Director shall include in any such report a description of the extent to which agencies have—

"(A) reduced information collection burdens on the public, including—

"(i) a summary of accomplishments and planned initiatives to reduce collection of information burdens;

"(ii) a list of all violations of this chapter and of any rules, guidelines, policies, and procedures issued pursuant to this chapter;

"(iii) a list of any increase in the collection of information burden, including the authority for each such collection; and

"(iv) a list of agencies that in the preceding year did not reduce information collection burdens by at least 10 percent pursuant to section 3505, a list of the programs and statutory responsibilities of those agencies that precluded that reduction, and recommendations to assist those agencies to reduce information collection burdens in accordance with that section;

"(B) improved the quality and utility of statistical information;

"(C) improved public access to Government information; and

"(D) improved program performance and the accomplishment of agency missions through information resources management.

"(b) The preparation of any report required by this section shall be based on performance results reported by the agencies and shall not increase the collection of information burden on persons outside the Federal Government.

#### "§ 3515. Administrative powers

"Upon the request of the Director, each agency (other than an independent regulatory agency) shall, to the extent practicable, make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

#### "§ 3516. Rules and regulations

"The Director shall promulgate rules, regulations, or procedures necessary to exercise the authority provided by this chapter.

#### "§ 3517. Consultation with other agencies and the public

"(a) In developing information resources management policies, plans, rules, regulations, procedures, and guidelines and in reviewing collections of information, the Director shall provide interested agencies and persons early and meaningful opportunity to comment.

"(b) Any person may request the Director to review any collection of information conducted by or for an agency to determine, if, under this chapter, the person shall maintain, provide, or disclose the information to or for the agency. Unless the request is frivolous, the Director shall, in coordination with the agency responsible for the collection of information—

"(1) respond to the request within 60 days after receiving the request, unless such period is extended by the Director to a specified date and the person making the request is given notice of such extension; and

"(2) take appropriate remedial action, if necessary.

#### "§ 3518. Effect on existing laws and regulations

"(a) Except as otherwise provided in this chapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this chapter.

"(b) Nothing in this chapter shall be deemed to affect or reduce the authority of

the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.

"(c)(1) Except as provided in paragraph (2), this chapter shall not apply to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions—

"(A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;

"(B) during the conduct of—

"(i) a civil action to which the United States or any official or agency thereof is a party; or

"(ii) an administrative action or investigation involving an agency against specific individuals or entities;

"(C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or

"(D) during the conduct of intelligence activities as defined in section 4-206 of Executive Order No. 12036, issued January 24, 1978, or successor orders, or during the conduct of cryptologic activities that are communications security activities.

"(2) This chapter applies to obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.

"(d) Nothing in this chapter shall be interpreted as increasing or decreasing the authority conferred by Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or the Director of the Office of Management and Budget.

"(e) Nothing in this chapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

#### "§ 3519. Access to information

"Under the conditions and procedures prescribed in section 716 of title 31, the Director and personnel in the Office of Information and Regulatory Affairs shall furnish such information as the Comptroller General may require for the discharge of the responsibilities of the Comptroller General. For the purpose of obtaining such information, the Comptroller General or representatives thereof shall have access to all books, documents, papers and records, regardless of form or format, of the Office.

#### "§ 3520. Authorization of appropriations

"There are authorized to be appropriated to the Office of Information and Regulatory Affairs to carry out the provisions of this chapter such sums as may be necessary."

#### SEC. 3. EFFECTIVE DATE.

The amendments made by this Act shall take effect October 1, 1995.

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### APPOINTMENT OF CONFEREES

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the House insist on its amendments to S. 244 and request a conference with the Senate thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Mr. CLINGER, Mrs. MEYERS of Kansas, and Messrs. MCHUGH, MCINTOSH, and FOX of Pennsylvania.

There was no objection.

The SPEAKER pro tempore. Further conferees will be appointed later today.

#### COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

The SPEAKER pro tempore. Pursuant to House Resolution 109 and rule XXIII, the Chair declares the House in the Committee of the Whole on the State of the Union for the further consideration of the bill, H.R. 956.

□ 1032

#### IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 956) providing for further consideration of the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Thursday, March 9, 1995, amendment No. 12, printed in section 2 of House Resolution 109, offered by the gentleman from California [Mr. COX], had been disposed of.

It is now in order to consider amendment No. 13 printed in House Report 104-72.

Apparently, the amendment is not being offered.

It is now in order to consider amendment No. 14 printed in House Report 104-72.

#### AMENDMENT OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I offer an amendment that has been made in order by the rule.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GEKAS: Revisions to the heading of H.R. 1075:

Add the words "and civil" after the words "product liability" and before the word "litigation".

Revisions to the Table of Contents:

Page 2, redesignate title IV as title V and renumber sections 401, 402, and 403 as sections 501, 502, and 503, respectively, and after the words "SEC. 303. DEFINITIONS," add the following title:

#### TITLE IV—COLLATERAL SOURCE RULE REFORM

Sec. 401. Findings.  
Sec. 402. Applicability and preemption.  
Sec. 403. Collateral source payments.  
Sec. 404. Definitions.

Page 30, line 1, redesignate title IV as title V and redesignate sections 401, 402, and 403 as sections 501, 502, and 503, respectively, and insert on line 1 the following:

#### TITLE IV—COLLATERAL SOURCE RULE REFORM

##### SEC. 401. FINDINGS.

(1) The practice of not permitting the jury to weigh evidence of collateral source benefits in making its award of damages in health care liability actions burdens interstate commerce by leading to increased costs for health care consumers, decreased efficiency for the legal system, and double recovery for plaintiffs which, in turn, encourages fraud, abuse, and wasteful litigation; and

(2) there is a need to restore rationality, certainty, and fairness to the legal system in order to protect against excessive damage awards and reduce the costs and delay of litigation.

##### SEC. 402. APPLICABILITY AND PREEMPTION.

This title governs any health care liability action brought in any State or Federal court and to any health care liability claim brought pursuant to an alternative dispute resolution process, by any claimant, based on any conduct, event, occurrence, relationship or transaction involving, affecting or relating to commerce, regardless of the theory of liability on which the claim is based, including claims for legal or equitable contribution, indemnity, or subrogation. The provisions of this title shall preempt State law, with respect to both procedural and substantive matters, only to the extent that such laws are inconsistent with this title and only to the extent that such law prohibits the introduction of collateral source evidence or mandates reimbursement from the claimant's recovery for the cost of collateral source benefits. The provisions of this title shall not preempt any State law that imposes greater restrictions on liability or damages than those provided herein.

##### SEC. 403. COLLATERAL SOURCE PAYMENTS.

In any civil liability action subject to this title, any defendant may introduce evidence of collateral source benefits. If any defendant elects to introduce such evidence, the claimant may introduce evidence of any amount paid or contributed or reasonably likely to be paid or contributed in the future by or on behalf of the claimant to secure the right to such collateral source benefits. No provider of collateral source benefits shall recover any amount against the claimant or receive any credit against the claimant's recovery or be equitably or legally subrogated to the right of the claimant in any civil liability action subject to this title. This section shall apply whether a civil action is settled or resolved by a fact finder.

##### SEC. 404. DEFINITIONS.

(a) The term "claimant" means any person who asserts a health care liability claim or brings a health care liability action, including a person who asserts or claims a right to legal or equitable contribution, indemnity, or subrogation, arising out of a health care

liability claim or action, and any person on whose behalf such a claim is asserted or such an action is brought, whether deceased, incompetent or a minor.

(b) The term "economic loss" has the same meaning as defined in section 202(3) of this Act.

(c) The term "health care liability action" means a civil action brought in a State or Federal court or pursuant to any alternative dispute resolution process, against a health care provider, an entity which is obligated to provide or pay for health benefits under any health plan (including any person or entity acting under a contract or arrangement to provide or administer any health benefit), or the manufacturer, distributor, supplier, marketer, promoter, or seller of a medical product, in which the claimant alleges a claim based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, or defendants or causes of action.

(d) The term "health care liability claim" means a demand by any person, whether or not pursuant to an alternative dispute resolution process, against a health care provider, health care organization, or the manufacturer, distributor, supplier, marketer, promoter or seller of a medical product, including, but not limited to, third-party claims, cross claims, counter-claims or contribution claims, which are based upon the provision of (or the failure to provide or pay for) health care services or the use of a medical product, regardless of the theory of liability on which the claim is based, or the number of plaintiffs, defendants, or causes of action.

(e) The term "health care organization" means any person or entity which is obligated to provide or pay for health benefits under any health plan, including any person or entity acting under a contract or arrangement to provide or administer any health benefit.

(f) The term "health care provider" means any person or entity required by State or Federal laws or regulations to be licensed, registered, or certified to provide health care services, and being either so licensed, registered, or certified, or exempted from such requirement by other statute or regulation.

(g) The term "health care services" means any service provided by a health care provider, or by any individual working under the supervision of a health care provider, that relates to the diagnoses, prevention, or treatment of any human disease or impairment, or the assessment of the health of human beings.

(h) The term "medical product" means a drug (as defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1))) or a medical device as defined in section 201(h) of the Federal Food, Drug and Cosmetic Act (21 U.S.C. 321(h)), including any component of raw material used therein, but excluding health care services, as defined in subsection (g) of this section.

(i) The term "noneconomic damages" means damages for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other non-pecuniary losses other than punitive damages.

(j) The term "punitive damages" has the same meaning as defined in section 202(5) of this Act.



(k) The term "State" has the same meaning as defined in section 202(6) of this Act.

REQUEST FOR MODIFICATION TO AMENDMENT  
OFFERED BY MR. GEKAS

Mr. GEKAS. Mr. Chairman, I ask unanimous consent that the amendment be modified. The modification is also at the desk.

The CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification of amendment offered by Mr. GEKAS: (Technicals)

On page 3, at the beginning of line 24, insert the words "As used in this title:"

On page 4, strike lines 7 and 8 and on page 6 strike lines 11 through 19 and redesignate the subsections accordingly.

On page 6, line 9, strike "(g)" and insert "(f)".

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

Mr. STUPAK. Mr. Chairman, reserving the right to object, we would like to have a further inquiry as to this modification. I do not believe we have seen a copy of it.

Mr. GEKAS. Mr. Chairman, will the gentleman yield?

Mr. STUPAK. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, this is purely technical in nature. What happened was when I or my office prepared a series of amendments, six of them to go before the Committee on Rules, all of them were correlated one with the other. Some of the definitions applied. Three of them, specifically, applied to other portions of other bills as if there were a general bill.

We are, by this modification, extracting those from the definitions portion of my amendment.

Mr. STUPAK. Continuing my reservation of objection, Mr. Chairman, we would like to see the amendment. It has not been cleared by the minority. We have not seen it. We would like an opportunity to do that. I would ask the gentleman if he would respectfully withdraw his amendment until we have had a chance to take a look at it. Then we may be able to come back and agree to it.

Mr. GEKAS. If the gentleman will yield further, I will not withdraw it. We cannot withdraw, we have to move along with the amendment. I would be willing to enter into a soliloquy until the gentleman has a chance to review it.

Will somebody furnish the minority with what we are doing here with the definitions?

Mr. Chairman, I assure the gentleman that they are purely technical, that I am not engaged in subterfuge or in any kind of attack on the minority's right to know what we are doing. This is simply technical. The essence of the amendment remains intact.

The CHAIRMAN. The Chair will inform the gentleman from Pennsylvania that we can proceed with the amend-

ment as it was printed in the RECORD and as reported out by the Committee on Rules.

Is there objection to the request of the gentleman from Pennsylvania?

Mr. STUPAK. Mr. Chairman, there is objection to the unanimous-consent request.

The CHAIRMAN. Objection is heard.

The gentleman from Pennsylvania [Mr. GEKAS] is recognized for 15 minutes in support of his amendment, and a Member in opposition is recognized for 15 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, today we offer a corollary, as it were, to the bill that was approved yesterday in the House of Representatives, where we took a giant step in compacting the costs of medical liability when the House so overwhelmingly adopted the cap on noneconomic damages.

This portion of the debate will center on collateral source. This has been in itself a source of great irritation to the liability community across the Nation, but more than that, it has been a source of increased costs, in many cases double dipping or double recovery, which was paid for in each instance and is continued to be paid for by, guess who, the general public who pay the premiums on their insurances.

Let me give an example of how this works. If I as a claimant received some hospital services, and as a result of that I was unfortunately injured because of some alleged negligence that I say that the hospital performed or was guilty of, in that instance I have to have more doctor care and other hospital bills accrue.

That total package of bills that now I have to pay, let us say it is \$10,000, those \$10,000 are paid immediately by my personal insurance. I have insurance to cover that. I have, maybe, disability insurance or some kind of health coverage that pays my doctor bills and hospital bills forthwith, so I now undergo, as a result of this negligence, an extra \$10,000 worth of bills, but they are paid for by the insurance company which I very foresightedly was able to obtain for myself for just such circumstances.

Now what happens? This is where the double dipping could enter into it. I now sue the hospital. I sue the hospital for, get this now, as part of the damages, the hospital bills and the doctor bills, that \$10,000 package for which I have already received payment.

In addition to that, I may sue for lost wages, other kinds of things, pain and suffering that go around with this new round of hospitalization and doctoring that I had to go through, but the point is that the \$10,000 that I have already been paid, that has been paid to my doctors, forms part of this claim.

If I recover, let us say, a \$100,000 judgment, I, in effect, have been doubly enriched. The \$10,000 costs in fees to the doctors and hospitals have been paid, and I recover them anew with the suit that I have successfully endeavored to bring to the court, and which has yielded a \$100,000 verdict.

In that regard what happens is that you and I, the general public who purchases health insurance and pays doctors and hospitals, because of the way that the health care structure is dominant in the land, we all pay for that double recovery of this plaintiff. It is not fair, but more than that, it is costly. That is what we are about here today.

Mr. Chairman, let us follow through with our example. The Members will recall that I had \$10,000 worth of damages, hospital and doctor bills, following my little incident in the hospital. Under the bill that we now have in front of us, the amendment that I am offering, this would occur.

The collateral source, namely, the insurance company that paid my doctor's bills and hospitals bills right away, that \$10,000, is now, under the collateral source rule, in a situation where that stops. If the bills are paid promptly, as my example shows they were, then when I sue, when I sue the hospital and the doctors involved there for my incident in the hospital, the jury, under the amendment that I offer, will be able to take into consideration the fact that I have already been paid for my hospital damages and the doctor's bills.

In other words, the jury will know and will be able to take into consideration in their deliberations the fact that some of the damages are already zero, because my own insurance company has already paid those.

What does that do? That results in a lower cost all across the board.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. GEKAS. I yield to the gentleman from Illinois. Does he want to engage in a cacophony?

Mr. HYDE. Mr. Chairman, I want to engage in a cacophony, then, right.

As I understand the gentleman's amendment, it cuts off subrogation claims, is that correct?

Mr. GEKAS. That is correct.

Mr. HYDE. If the gentleman will yield further, therefore, if the gentleman has insurance, if he is far-sighted enough to pay premiums and make an insurance contract, and he is injured, and his insurer, his health insurance, pays that, the benefit of his foresight and the premiums that he has paid for years accrue to the wrongdoer. The wrongdoer walks scot free because the gentleman's company cannot subrogate against him.

The gentleman is paid because he had the smarts enough, the wisdom enough, the foresight to pay premiums, and the

real winner is the wrongdoer, am I right?

Mr. GEKAS. Seizing back my time, Mr. Chairman, no, the gentleman is not correct. Here is the way I would paint that.

The gentleman is looking at it from the standpoint of the defendant, as you call him, the wrongdoer, but our whole system of justice calls out for the plaintiff, the claimant, to be reimbursed in full. Nowhere does it say that he should be double dipping, that he should have a double recovery.

If the result of what we are doing here is to eliminate that double dipping, even if it inures to the benefit of lower premiums for medical liability, both for the hospitals and the doctors, then the wrongdoer is not benefiting from that. The general public is, because their doctors and their hospitals will be able to purchase insurance for a lesser amount, thus making the cost of hospital service less.

Mr. HYDE. If the gentleman will continue to yield, Mr. Chairman, would the gentleman consider making the wrongdoer reimburse the plaintiff for the premiums he has paid for 22 years.

Mr. GEKAS. There, Mr. Chairman, the legislation that we have in front of us, the amendment does call for the plaintiff, for the jury, to have the right to take into account what the plaintiff has paid for this coverage.

Mr. HYDE. I thank the gentleman.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield for that point?

Mr. GEKAS. I yield to the gentleman from Virginia.

□ 1045

Mr. GOODLATTE. It is my understanding that the problem with a plaintiff recovering double is largely being taken care of now with subrogation agreements that are taken care of outside of court.

My concern is that we are sending separate messages for a plaintiff who has been responsible and for years has paid for health insurance, compared to one who might have the same economic circumstances, same type of injury, who has not paid. That plaintiff gets to go into court and say, here are all of my medical bills.

Mr. GEKAS. I understand the point.

Mr. GOODLATTE. Give me a big award.

The one who has been responsible, then the defendant gets to come in and say, "Don't worry about him because his medical bills are being paid by someone else," and that contravenes public policy.

Mr. GEKAS. Recapturing my time, I understand the gentleman's division of thought as to the one who has bought insurance and paid premiums and taken care of his family by doing so and the one who for one reason or another has not done so.

Let me give the same example and see if it does not comport with the gentleman's concerns. I who have bought insurance and paid \$3,000 for this coverage, you say, will be treated less handsomely because the verdict will be lower presumably; is that correct? Because the jury could take into consideration all of this and come out with a lower verdict.

Well, in a similar circumstance, if there is a case on all fours exactly with somebody who does not have insurance, the verdict could be higher and you think that might be unjust enrichment, do you not?

However, here is what can and frequently does occur, at least in States like yours and mine that do not have this collateral source idea embedded in their laws. In these cases, the one who does not have insurance, in suing, gets a higher award, shall we say, has to pay higher attorneys' fees because of that. No. 1. No. 2, there is always the right in the entity that provided the medical service for the claimant to go against the verdict to recover their costs and fees, anyway. That has happened time and time again. A verdict and a judgment is always subject to attachment by the entities that provided the services and ran up bills in favor of the claimant. So it still comes out. There might be aberrations.

Mr. GOODLATTE. I have no dispute whatsoever that a plaintiff should not be able to double dip, if you will, but I think that should be taken outside the courtroom. This argument that somehow insurance should be brought into the case is exactly comparable to where the defendant should not want the plaintiff to come into court and tell the jury that the defendant has insurance to take care of the losses.

Mr. GEKAS. Recapturing my time, I would say notwithstanding the gentleman's own State policy and my own State policy of not having this collateral source, 20 other States do have it. So in those States which we have reviewed, and particularly that in California where their whole system is based around these elements of medical liability reform, these objections or concerns of the gentleman's have been resolved over time, and in balance what has happened is that the public has benefited, in California where this is in place, with a stabilized system of medical liability and the costs that are attached thereto.

The CHAIRMAN. The Chair wishes to inform the gentleman that he has consumed 10½ minutes of his 15 minutes.

There has yet to be recognized a Member for the 15 minutes of time in opposition to the amendment.

Mr. GEKAS. Mr. Chairman, I squander my time.

The CHAIRMAN. The gentleman squanders the balance of his time.

Is there a Member seeking to manage opposition to the Gekas amendment?

Mr. CONYERS. Mr. Chairman, I rise to ask the gentleman from Virginia [Mr. SCOTT] to control the time on our side in opposition.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] is recognized for 15 minutes to manage the opposition to the amendment.

Mr. SCOTT. Mr. Chairman, we had reserved the right to object to the unanimous-consent request. Is that still pending?

The CHAIRMAN. No. The request was made by the gentleman from Pennsylvania and there was an objection heard, so we are proceeding with the original amendment offered by the gentleman from Pennsylvania.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, there were no hearings on this amendment. It has been slapped together, we tried to fix it on the floor, and we apologize for the confusion on this side where we were disruptive. We were trying to figure out what the last-minute change in the amendment was. That is what happens when we do not have hearings and do not go through a deliberative process.

But in this case, Mr. Chairman, I think there was an intent not to have a hearing because on this same issue, we did have a hearing last year. Let me quote from that hearing last year when we were doing health reform on malpractice reform. The witness who spoke in favor of tort reform, who supported limitations on attorney's fees, restrictions on joint and several liability, reductions in statute of limitations, modifications in punitive damages, when this issue came up, he was asked of the three people of interest in this case, you have got the plaintiff, you have got the defendant, and you have got the health insurance company. Which one ought to receive the benefit of the payment? As the chairman of the committee has suggested, the tort-feasor really ought to be the last person to benefit from the insurance premiums.

I asked the witness, "Why should the tort-feasor, the wrongdoer, receive the benefit of the insurance?"

The witness said: "Our position is that there should not be a double recovery."

Then I asked: "Well, who ought to receive the recovery? Why shouldn't Blue Cross-Blue Shield get the money back?"

And the witness, a physician, said: "I think they should. In other words, insurance company ought to be paid."

Then I said: "Well, then if the plaintiff doesn't get the money, why shouldn't Blue Cross-Blue Shield be reimbursed?"

He said: "They should."

"They should?"

"Yes."



Then, just to make sure: "Don't you agree that the tort-feasor, which in this case could be medical malpractice, in another case it could be a drunk driver, ought that be the last person to receive the benefit?"

Answer: "Yes."

"So if we deny the plaintiff the basis of recovery for the insurance, then we ought to have subrogation so Blue Cross-Blue Shield can get this money back?"

And the witness said, "I would agree with that."

That is the kind of answer we would have gotten if we would have had a hearing. This is a good soundbite amendment but it only rewards the wrongdoer. A hearing would have proved that as it did last year. If there is not going to be any double recovery and you are going to say no to the policyholder who paid his premium, if you are going to deny him the extra benefit of this foresight in paying the premium, then you ought to have subrogation so the health insurance company can get its money back. If it is going to get its money back, at least the premium payer can get some benefit, because presumably the premium payment would be lower if they had subrogation.

This is an attack on consumers again, and I would hope that this amendment would be rejected. We had a hearing last year. The idea was rejected. I would hope that this would be rejected again.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. I thank the gentleman for yielding me the time.

Mr. Chairman, if the Gekas amendment were to deal specifically with the problem of double-dipping as the California law is focused on, I would support this amendment. I think in a tort action for negligence, the plaintiff is entitled to be made whole. He is not entitled to be paid twice for the same occurrence. If his medical bills are being paid by one source, he is not entitled to pocket those payments again from another source. But the Gekas amendment goes far beyond the California Micra law and it goes far beyond medical malpractice. It deals with two issues I am very concerned with.

It is written in a fashion that guarantees that the health care provider as the gentleman from Virginia [Mr. SCOTT] pointed out will not get subrogated, in fact it seems to prohibit that very act, that the malpractice insurer rather than the health insurance provider will get the protection, and more importantly by doing it as a matter of evidentiary question, it would be somewhat equivalent to my offering an amendment that said in the course of a trial, it is quite appropriate for the plaintiff's counsel to point out that the defendant is insured, create the sense

of the deep pocket, the big pocket so that the recovery will be big and if we ever get to the issue of punitive damages, they will zap them good because they know that there is a place to get that money from.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Virginia.

Mr. GOODLATTE. Also look at the parallel that we talked about a moment ago between the plaintiff who has been concerned about—say it is a self-employed individual, been concerned about his family, has bought insurance for the family for years, compared to a plaintiff who has never bought insurance and not because of income, comparable income rates, they have the same injury, that plaintiff without insurance gets to go into court and say, "Look at all the medical bills I have, give me a big award."

They do not have that with this. What we are doing is we are setting a public policy against people having insurance.

The CHAIRMAN. The Chair wishes to inform the committee that the gentleman from Pennsylvania [Mr. GEKAS] has 4½ minutes remaining, and the gentleman from Virginia [Mr. SCOTT] has 10 minutes remaining.

Mr. GEKAS. If the gentleman from Virginia wants to continue drawing on his resources, I would have no objection since he has more resources at the moment.

The CHAIRMAN. The gentleman from Pennsylvania continues to squander his time.

Mr. SCOTT. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. I thank the gentleman from Virginia for yielding me time.

I think the gentleman from California made the point very well. This is about making the plaintiff whole, and that is what it is all about. If we do not do this, or making the defendant whole, not doing everything we can to make their life miserable.

The plaintiff has bought this insurance, the plaintiff has paid this insurance, and now the very lucky defendant who may have insurance, let's say the defendant has insurance, the defendant's company does not have to pay, even though he is liable, if this were to happen. I think that that is really flipping the whole incentive program so that the plaintiff who bought the insurance, his insurance is now going to cover his cost. The defendant who may have liability insurance, his premiums are going to stay lower because he never has to get that part reimbursed from his. I think that is part of what the gentleman from Virginia was talking about even though we do not allow people to say whether or not the defendant had insurance.

Mr. GOODLATTE. Mr. Chairman, will the gentleman yield?

Mrs. SCHROEDER. I yield to the gentleman from Virginia.

Mr. GOODLATTE. I thank the gentleman for yielding. In fact what we are saying here is this is a case where liability has already been established on the part of the defendant. The defendant is the responsible party, the one who has caused the harm and now gets to say, hey, don't worry about charging me for this because the plaintiff has insurance and they will take care of it.

Mrs. SCHROEDER. That is right.

Mr. GOODLATTE. How would that same defendant like to be put in the situation where the plaintiff said, "I've got a harm here, it's been established, don't worry about how much you give me because this defendant has X number of millions of dollars in insurance coverage."

Mrs. SCHROEDER. Reclaiming my time, the gentleman's point is that we are not allowed to say that the defendant has insurance.

Mr. GOODLATTE. That is correct.

Mrs. SCHROEDER. So if we are looking at the two insurance companies, then the question becomes, which one should have to pay, which one's premium should have to go up, and I think it should be the defendant that should have to go up, and I think the gentleman from Pennsylvania should be looking at collateral source rules and not this.

I would hope that the amendment would be defeated.

Mr. SCOTT. Mr. Chairman, is the gentleman from Pennsylvania going to waive again?

Mr. GEKAS. Mr. Chairman, I will take my time now if I may. Does the gentleman want to allow me to go on?

Mr. SCOTT. I have several other speakers.

Mr. GEKAS. I may make a unanimous-consent request to withdraw the amendment. That would help, would it not?

Mr. SCOTT. In that case, Mr. Chairman, I would certainly defer.

The CHAIRMAN. The Chair recognizes the gentleman from Pennsylvania who has to this point chosen to squander the balance of his time.

Mr. GEKAS. I yield myself such time as I may consume.

I want to apprise the gentleman from Colorado that the concerns that she has raised here should be thrust at the capital, the State capital of Colorado where there is in existence a collateral source statute and which has been employed for many years.

□ 1100

So, we are not varying that far in this proposal from what is already established in her province in her home State.

But nonetheless, I do not want to yield now because what the gentleman has done along with others,

they have raised enough questions that perhaps we ought to look at this a little bit more accurately between now and the time that it takes its place in the debate either in the Senate or in conference.

With that, Mr. Chairman, I ask unanimous consent to withdraw the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

AMENDMENT OFFERED BY MR. SCHUMER

Mr. CONYERS. Mr. Chairman, I offer amendment No. 15.

The CHAIRMAN. Is the gentleman the designee of the gentleman from New York [Mr. SCHUMER]?

Mr. CONYERS. Yes, I am, Mr. Chairman.

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104-72.

Mr. CONYERS. Mr. Chairman, I offer the amendment No. 15.

#### POINT OF ORDER

Mr. HYDE. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. HYDE. Mr. Chairman, in looking at the rule, I do not see where a designee is allowed, for it says it may be offered only by a Member designated in the report, and that is for the gentleman from New York [Mr. SCHUMER].

I am not going to object. There he is. I was not going to object, but I wanted to know if this was cleared with the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. The Chair would say in response to the point of order of the distinguished chairman of the Committee on the Judiciary that the report clearly states the amendment is to be offered by Representative SCHUMER of New York or a designee.

Mr. HYDE. I am sorry; I did not see it in the rule.

The CHAIRMAN. It is in the report.

Mr. HYDE. I was not going to object. I just wanted to make sure it is cleared with the gentleman from Texas [Mr. BRYANT].

The CHAIRMAN. It is now in order to consider amendment No. 15 printed in House Report 104-72.

Mr. SCHUMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCHUMER: Page 31, line 5, insert before the period the following: "AND SUNSET", in line 6, insert "(a) EFFECTIVE DATE.—" at the beginning of the line, and after line 8 insert the following:

(b) SUNSET.—Titles I, II, and III shall expire 5 years after the date of the enactment of this Act unless the Secretary of Commerce has certified to the Congress not less than 90 days before the expiration of such years—

(1) that insurance rates covering liabilities affected by such titles have declined by not

less than 10 percent after taking into account changes in the Consumer Price Index, or

(2) that insurance rates have not declined by at least 10 percent because of extraordinary circumstances, has specified such extraordinary circumstances, and has explained their impact on such insurance rates.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York [Mr. SCHUMER] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, we are now at the conclusion of the debate on the tort reform proposal, and while I think much has been ballyhooed about the contract, I would agree that this proposal as it emerges, at least in the area of law that we are dealing with, is indeed revolutionary. In fact, the bill goes quite a bit further than was ever imagined, particularly in terms of the two Cox amendments.

We are eliminating joint and several liability in any tort lawsuit anywhere in America. I supported that amendment. I thought it was a wise choice.

We are also putting a cap of \$250,000 on all damages, all noneconomic damages in the health care area. That is a major, major change, plus all of the other changes proposed in the product liability area, plus the effect of the cap on punitive damages throughout lawsuits everywhere. Indeed, my colleagues, the bill is revolutionary.

I would say this: We do not know if it is going to work. And in fact, there are many of us who think the bill goes too far. There are some I guess on the far right, mainly on that side of the aisle, who feel that the bill is very good because it is revolutionary. There are some, probably mainly on this side of the aisle, on the far left side, who say the bill is horrible and we should not change very much at all. But there are many of us in the middle who feel the system is out of control, but who are terribly troubled, terribly troubled by the fact that we are making such radical changes without having any idea of what their effect will be.

This amendment deals with those concerns and anxieties. For those of us on both sides of the aisle who find ourselves in the middle, we want real change but we may think that this bill goes too far or we are worried that it does.

It simply says that if liability insurance rates do not go down 10 percent 5 years after these laws take effect, this bill takes effect, then the proposal should sunset.

What is the reason we are doing all of these changes? I certainly believe the proponents of the bill are sincere, they do not want to hurt the little guy, they do not want to hurt defendants, plaintiffs. They certainly think it will make salutary changes for America. But I

also know that one of the main reasons we are doing this is because we feel insurance rates are too high. We have heard that over and over and over again.

Perhaps the nostrums we are applying will work. If they do, liability insurance should decline at least 10 percent, and I have counted in inflation, this is 10 percent after accounting for inflation, and then we will say we have done a good thing. Those who voted yes will be proud; those who voted no will admit they made a mistake. But if it does not work, why take away all of the various rights of the little people who need to sue if it is not going to bring insurance rates down at all? And so we propose this sunset.

This is a moderate amendment. It is saying, OK, we are going to make very radical changes, but let us have a little bit of a break on them just in case they do not work. The sunset has been proposed on many pieces of legislation. In fact, some of them I did not agree with, but many I did, but when you do something this breathtaking and this radical, and potentially this dangerous, at the very least there ought to be a sunset in case the proposal does not work.

The CHAIRMAN. Does the chairman of the committee seek to manage the opposition to the Schumer amendment?

Mr. HYDE. Yes, Mr. Chairman.

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] is recognized for 10 minutes.

Mr. HYDE. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose this amendment. It is unnecessary. Focusing on the pricing practices of insurers is irrelevant in many places because most large businesses self-insure and do not purchase liability insurance. This amendment places the future of a fair civil justice system in the hands of Federal Government bureaucrats. Americans overwhelmingly support the reforms in this bill and it is ludicrous to give the Department of Commerce the power to determine whether Americans will continue to benefit by these reforms.

This amendment sunsets this legislation 5 years after the date of enactment unless the Secretary of Commerce certifies that insurance rates either have declined at least 10 percent or have not declined that much because of extraordinary circumstances.

This sunset is ill advised because factors other than this legislation contribute significantly to determining rates charged by insurance companies and the beneficial effects of this legislation are not limited to anticipated savings in insurance-related costs.

As the Committee on the Judiciary noted in its report, "Our excessive reliance today on a patchwork of conflicting State statutes and common law relating to allegations of product defects



excessively burdens interstate commerce, discourages innovations, exacerbates liability insurance costs, compromises American competitiveness and forces Americans to pay higher prices."

We had more than the cost of insurance in mind when we crafted this legislation. The limitation on joint and several liability, for example, recognizes the injustice of requiring minimally responsible defendants to pay for all noneconomic damages. We propose punitive damage reform, an important title of this bill, not only to ameliorate adverse effects on interstate and foreign commerce but also to protect due process rights. The unfairness of ignoring extent of fault or responsibility in assessing liability for noneconomic damages and the unfairness of virtually unlimited punitive damage awards in a range of cases that extend beyond the product liability context necessitated congressional action.

The 10-percent formula relating to insurance rates is flawed. Our objective of reducing insurance rates will be undermined rather than advanced by this amendment. The sunset creates uncertainty for insurance companies. They will not know whether the reforms incorporated in this legislation will remain in effect 5 years hence, and this uncertainty will affect risk calculations leading to higher rates.

I am confident this legislation, without a sunset, will have a positive effect on insurance rates. I cannot predict how other developments extraneous to this legislation, such as accident patterns and medical care costs, may impact on the risks the insurance company faces. The business of insurance, let us remember, is subject generally to State rather than Federal regulation and the capacity of the Federal Government to achieve rate reductions is limited.

If insurance rates do not decline by at least the arbitrary 10-percent figure, the explanation may have nothing to do with this legislation. The amendment gives the Secretary of Commerce excessive power to scuttle this legislation because only he or she can certify to the extraordinary circumstances to justify a deviation from the 10-percent requirement.

Congress does not need a sunset to revisit the issues addressed in this legislation. We can do that in any and every session that is forthcoming. In response to experiences in the years ahead, we are free to modify and refine the new law. Perhaps stronger medicine will be needed to deter abuses in the litigation process. Perhaps unforeseen developments will justify amending our work product. But a sunset provision that essentially says we may have to return to square one at the say so, the fiat of whoever is the Secretary of Commerce, is not a sensible way to legislate.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO], chairman of the Democratic caucus.

Mr. FAZIO. Mr. Chairman, I thank my friend from New York for yielding time to me. I must admit this has been a very difficult piece of legislation for me. I have been associated with Members who wish to see a products liability bill enacted, I have been associated with those who want to move on the question of medical malpractice, and I have made some votes, uncomfortable votes for me because I think the amendments were flawed in their drafting and I indicated that earlier in the deliberation on this bill.

But I must rise in support of the Schumer sunset provisions and in opposition to the enactment of this bill because I think it frankly is a travesty the way it has been put together here at the last minute on the floor, the way it combines a number of disparate elements in the tort reform area. I will be the first to admit these issues should have been deliberated in prior Congresses but the fact they have not does not in my view excuse the approach that has been taken in the amalgamation of all of these various provisions in this bill at this time.

Tort reform is a subject this Congress must deal with. It has not dealt with it effectively in this bill, and the bill should be opposed.

Mr. HYDE. Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from Illinois [Mr. HYDE] has 5 minutes remaining, and the gentleman from New York [Mr. SCHUMER] has 5 minutes remaining.

Mr. HYDE. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment. When we first set out on this legislation we had several goals in mind, and I would remind the Members that it was to improve the competitiveness of American business, to increase economic growth, create more jobs, reduce overall liability costs of which insurance rates are only one portion of that equation.

The gentleman from New York [Mr. SCHUMER] who offers the amendment it seems to me really misses the point behind the efforts that we are making with this legislation.

The gentleman from Massachusetts [Mr. MARKEY], who I assume will speak later, had a similar approach in the Committee on Commerce, which was rejected at that point and I think the full House should reject the Schumer amendment as well.

There are a lot of factors. The insurance rates are affected by a number of factors, medical costs, crime rates, ac-

cident patterns, court interpretation of legal reforms; punitive damages are not insurable in most jurisdictions, meaning that one of the core provisions of the legislation would not be relevant to insurance rates in most of the States. Insurer losses on which premiums are in part based will probably not decrease for several years because of all of the litigation in the pipeline.

Finally, Mr. Chairman, this amendment places unprecedented power in the hands of the Secretary of Commerce, essentially giving one individual life or death power over this legislation and the good that it is trying to accomplish.

□ 1115

So, Mr. Chairman, for all those reasons, and for the fact that we have a number of ambiguous circumstances involved in the uncertainties, I would ask that the Schumer amendment be defeated.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, the Schumer amendment is really the did-it-really-work amendment. Are all the promises which are being made by the proponents of this reform going to come to pass? In other words, consumers out there are being told that they will see lower doctor bills, that they will see lower costs for products because insurance rates are going to go down?

Now I remember back in 1988 in the Committee on Commerce when we had hearings. In that particular hearing we actually had insurance executives, and I asked them, "Will insurance rates go down?"

They said, "No, no, no."

Well, if that is the ostensible guise for all of this, let us have a determination 5 years later whether or not the promise, like Reaganomics, of cutting taxes and actually having more revenues is going to work here in insurance product liability as well, and if it cannot withstand the crucible of scrutiny 5 years from today, and insurance companies are retaining windfall profits as—

The CHAIRMAN. The time of the gentleman from Massachusetts [Mr. MARKEY] has expired.

Mr. SCHUMER. Mr. Chairman, I yield 1 minute to the distinguished gentleman from New York [Mr. LAFALCE], the ranking Democrat on the Committee on Small Business.

Mr. LAFALCE. Mr. Chairman, many years ago I had dozens of hearings on the issue of product liability and as long ago as 1978 introduced a uniform product liability law. It was opposed by the Republicans in the Chamber of Commerce at that time because they argued it ought not to be a Federal matter, this was a prerogative of the States.

Mr. Chairman, I will not point out the things that are wrong with the bill that we have today; they are too countless, it is too egregious. There are a lot of things that is wrong with what is not being done, too. We are not dealing with the problems of the insurance industry, and, if we need a law for anything, we need it for the regulation and practices of the insurance industry.

Second, we have Federal regulation now over remedies for product liability cases, but the most fundamental thing, the basic cause of action for a product defect, is left unattended. So we will have 50 separate causes of actions, but we will have one Federal law with respect to limitation of remedies.

Last, and there are so many other things I could point out, but 10 percent of the cases—

The CHAIRMAN. The time of the gentleman from New York [Mr. LAFALCE] has expired.

#### PARLIAMENTARY INQUIRY

Mr. SCHUMER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SCHUMER. I would inquire of the Chair if today is the day when the gentleman from Illinois [Mr. HYDE] has the right to close, or is it the day when we have the right to close?

Mr. HYDE. Mr. Chairman, I direct that parliamentary inquiry as well. I was told that I have the right to close.

The CHAIRMAN. The chairman of the committee controlling time in opposition has the right to close.

Mr. SCHUMER. I appreciate the determination of this very important rule.

The CHAIRMAN. That is the way it works.

Mr. SCHUMER. Mr. Chairman, I yield my remaining time to the distinguished gentleman from Texas [Mr. BRYANT], a member of the committee.

The CHAIRMAN. The gentleman from Texas [Mr. BRYANT] is recognized for 3 minutes.

Mr. BRYANT of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me and for the opportunity to close on this, on our side of the amendment.

We are today taking steps to eliminate 200 years of common law in this country. We are taking an enormous amount of power from the States, something that was thought to be a prohibitive tenet of the Republican philosophy that we would never do, and we are raising a barrier to the middle class of this country that will prevent them from using the courthouse to redress grievances against the most powerful economic interests in our country. The question has to be why. Why are we doing it? We have asked over, and over, and over in this debate, and we asked over, and over, and over in committee, "Do you have any empirical data to show us that indicates that

there is an explosion of lawsuits or there is an explosion in the size of verdicts? Any at all?" We have had some papers waved at us, but the answers have always been no every time we ask it of our witnesses, every time we ask it of you.

The fact of the matter is that there is no explosions with regard to litigation. We do data; it is not data we put together, but data that was available to my colleagues as well from the National Center for State Courts which indicates that product liability filings are only thirty-six one-hundredths of a percentage of the total civil caseload, that only 10 percent of the people who were ever injured from torts ever used the tort system in the first place. As a matter of fact, the number of cases in State courts and Federal courts are going down, and so I ask, Why are you doing this?

They will come back to us and say, Well, we think it's going to bring down insurance rates, and so the gentleman from New York [Mr. SCHUMER] comes out with an amendment here that says:

"OK. Since we don't know whether what you're promising will work or not, let's put something in the bill that says, 'In 5 years, if insurance rates with regard to the things that are affected by this bill have not come down by 10 percent, this bill will sunset,' and then you stand up on the floor this morning and say, 'Well, we are not sure insurance rates really will come down.'"

Well, Mr. Chairman, then what is the purpose of this bill? The bottom-line purpose is this:

"You want to do a favor for some wealthy, powerful people in this country who are your social peers, who are the people that you live with, the folks that you think about, the people whose opinions you adopt regardless of its impact on the American people, on the average middle class people, and in spite of the lack of any available data to support the direction you're going."

I say to my colleagues, Mr. SCHUMER has a commonsense amendment. If what you say is true, even if you have no evidence, then insurance rates will surely over 5 years come down 10 percent, and, if they do, the bill stays on the books. If they don't, it won't.

The CHAIRMAN. The time of the gentleman from Texas [Mr. BRYANT] has expired.

Mr. BRYANT of Texas. Vote for the Schumer amendment, and vote against this outrage against the American people.

Mr. HYDE. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am consoled that the class struggle has not expired with the demise of the former Soviet Union. We still put class against class here. The inability to understand that the non-availability of medical help, and vaccines and drugs because of the unre-

dictability of product liability has not permeated our opponents, and I guess there is no way that it ever will.

But this amendment offered by the gentleman from New York [Mr. SCHUMER] guts the bill because the purpose of the bill is to have common standards wherever possible on those important items that affect our economy and predictability. A 5-year sunset means that in 5 years nobody knows what is going to happen. Insurance companies would not be able to set rates with any confidence or predictability, and who is going to make the determination? The Secretary of Commerce.

So, Mr. Chairman, I hope and pray that this amendment is defeated handily, but in closing, and this will be the last vote on this very important bill, I would like to bring to the Members' attention a letter that the gentleman from Michigan [Mr. CONYERS] and I got dated March 6 from the National Governors Association, and I will just read a couple of little paragraphs:

We're writing to convey the support of the Nation's Governors for legislation to establish a uniform product liability code. Since 1986 the association has been on record in support of a uniform, consistent, and predictable approach to product liability. While Governors do not usually support one-size-fits-all legislation, we believe in this case uniform product liability standards can only be achieved by Federal action. We urge you to act swiftly to enact this legislation.

I thank the Chair for the courtesy and the efficiency with which he has conducted these four sessions, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SCHUMER].

The question was taken; and the chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. SCHUMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 175, noes 249, not voting 10, as follows:

[Roll No. 227]

AYES—175

Abercrombie	Clay	Engel
Ackerman	Clayton	Eshoo
Andrews	Clement	Evans
Baessler	Clyburn	Farr
Baldacci	Coleman	Fattah
Barcia	Collins (IL)	Fazio
Barrett (WI)	Collins (MI)	Felds (LA)
Becerra	Condit	Flner
Bellenson	Conyers	Flake
Bentsen	Costello	Foglietta
Berman	Coyne	Ford
Bishop	Cramer	Frank (MA)
Bonior	Danner	Frost
Borski	de la Garza	Furse
Boucher	Deal	Gejdenson
Brewster	DeFazio	Gibbons
Browder	DeLauro	Gonzalez
Brown (CA)	Dellums	Gordon
Brown (FL)	Dicks	Green
Brown (OH)	Dingell	Gutierrez
Bryant (TX)	Dixon	Hall (OH)
Bunn	Doggett	Hastings (FL)
Cardin	Doyle	Hayes
Chapman	Durbin	Hefner



Hilliard	Meek	Schumer
Hinche	Menendez	Scott
Holden	Mfume	Serrano
Hoyer	Miller (CA)	Skelton
Jackson-Lee	Minge	Slaughter
Johnson (SD)	Mink	Spratt
Johnson, E.B.	Moakley	Stark
Johnston	Montgomery	Stokes
Kaptur	Moran	Studds
Kennedy (MA)	Murtha	Stupak
Kennedy (RI)	Nadler	Tanner
Kennelly	Neal	Taylor (MS)
Kildee	Oberstar	Tejeda
Klink	Obey	Thompson
LaFalce	Oliver	Thurman
Lantos	Ortiz	Torres
Laughlin	Owens	Torricelli
Levin	Pallone	Trafficant
Lewis (GA)	Pastor	Tucker
Lincoln	Payne (NJ)	Velaquez
Lipinski	Pelosi	Vento
Loftgren	Peterson (FL)	Visclosky
Lowe	Peterson (MN)	Volkmer
Luther	Poshard	Ward
Maloney	Rahall	Waters
Manton	Reed	Watt (NC)
Markey	Reynolds	Waxman
Martinez	Richardson	Wilson
Mascara	Rivers	Wise
Matsui	Rose	Woolsey
McCarthy	Roybal-Allard	Wyden
McDermott	Rush	Wynn
McHale	Sabo	Yates
McKinney	Sanders	
Meehan	Schroeder	

## NOES—249

Allard	Duncan	Istook
Archer	Dunn	Johnson (CT)
Armey	Edwards	Johnson, Sam
Bachus	Ehlers	Jones
Baker (CA)	Ehrlich	Kasich
Baker (LA)	Emerson	Kelly
Ballenger	English	Kim
Barr	Ensign	King
Barrett (NE)	Everett	Kingsston
Bartlett	Ewing	Kleczka
Barton	Fawell	Klug
Bass	Fields (TX)	Knollenberg
Bateman	Flanagan	Kolbe
Bereuter	Foley	LaHood
Bilbray	Forbes	Largent
Billakis	Fowler	Latham
Bliley	Fox	LaTourette
Blute	Franks (CT)	Lazio
Boehlert	Franks (NJ)	Leach
Boehner	Frelinghuysen	Lewis (CA)
Bonilla	Frisa	Lewis (KY)
Bono	Funderburk	Lightfoot
Brownback	Galleghy	Linder
Bryant (TN)	Ganske	Livingston
Bunning	Gekas	LoBiondo
Burr	Geren	Longley
Burton	Gilchrest	Lucas
Buyer	Gillmor	Manzullo
Callahan	Gilman	Martini
Calvert	Goodlatte	McCollum
Camp	Goodling	McCrery
Canady	Goss	McDade
Castle	Graham	McHugh
Chabot	Greenwood	McInnis
Chambliss	Gunderson	McKeon
Chenoweth	Gutknecht	McNulty
Christensen	Hall (TX)	Metcalf
Chrysler	Hamilton	Meyers
Clinger	Hancock	Mica
Coble	Hansen	Miller (FL)
Coburn	Harman	Mineta
Collins (GA)	Hastert	Molinar
Combest	Hastings (WA)	Mollohan
Cooley	Hayworth	Moorhead
Cox	Hefley	Morella
Crane	Heineman	Myers
Crapo	Herger	Myrick
Creameans	Hilleary	Nethercutt
Cunningham	Hobson	Neumann
Davis	Hoekstra	Ney
DeLay	Hoke	Norwood
Deutsch	Horn	Nussle
Diaz-Balart	Hostettler	Orton
Dickey	Houghton	Oxley
Dooley	Hunter	Packard
Doolittle	Hutchinson	Parker
Dornan	Hyde	Paxon
Dreier	Inglis	Payne (VA)

Petri	Schaefer	Taylor (NC)
Pickett	Schiff	Thomas
Pombo	Seastrand	Thornberry
Pomeroy	Sensenbrenner	Thornton
Porter	Shadegg	Tiahrt
Portman	Shaw	Torkildsen
Pryce	Shays	Upton
Quillen	Shuster	Vucanovich
Quinn	Siskis	Waldholtz
Radanovich	Skaggs	Walker
Ramstad	Skeen	Walsh
Regula	Smith (MI)	Wamp
Roberts	Smith (NJ)	Watts (OK)
Roemer	Smith (TX)	Weldon (FL)
Rogers	Smith (WA)	Weldon (PA)
Rohrabacher	Solomon	Weller
Ros-Lehtinen	Souder	White
Roth	Spence	Whitfield
Roukema	Stearns	Wicker
Royce	Stenholm	Williams
Salmon	Stockman	Wolf
Sanford	Stump	Young (AK)
Sawyer	Talent	Young (FL)
Saxton	Tate	Zeliff
Scarborough	Tauzin	Zimmer

## NOT VOTING—10

Bevill	Jefferson	Riggs
Cubin	Kanjorski	Towns
Gephardt	McIntosh	
Jacobs	Rangel	

□ 1143

The Clerk announced the following pairs:

On this vote:

Mr. Kanjorski for, with Mr. McIntosh against.

Mr. Jefferson for, with Mrs. Cubin against.

Mr. SAWYER changed his vote from "aye" to "no."

Mr. BAESLER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

Mr. POMEROY. Mr. Chairman, I rise in opposition to the bill currently before the House, H.R. 956.

Last night the Republican majority shoved through an amendment that was poorly drafted, superficially considered, and will hurt a lot of people. The Cox amendment imposed a cap of \$250,000 on noneconomic damages in all civil lawsuits.

What this amendment does is limit the amount that can be recovered against insurance companies that refuse to pay health care claims that they legitimately owe.

I used to be an insurance commissioner. I used to help people who paid hard dollars for insurance so they would be protected against doctor and hospital bills only to find their claims denied and medical bill collectors at their door. The amendment adopted last night now protects those insurance companies who fail to pay what they owe.

I cannot understand how the majority Members of this House can turn their back on people in their districts that will have to deal with bill collectors, shattered credit standing, repossessed automobiles and even foreclosed houses because their insurance companies fail to pay the claim they owe.

They call this bill common sense legal reform. I doubt there is a single American who has had to fight their insurance company to

get a claim paid who would think this bill makes any sense at all.

As amended I cannot in good conscience vote for this bill.

Mr. JOHNSON of South Dakota. Mr. Chairman, I reluctantly express my opposition to the passage of H.R. 956. There is no doubt that some reforms of the American civil justice system are needed, despite the fact that this area of the law has historically been largely the province of the individual States. It is true that the courts are too often slow and overburdened, and that jury awards sometimes seem inconsistent and instances of apparent excessive awards are well known. I am particularly concerned over problems involving medical malpractice claims and I have supported State and Federal legislative initiatives in that area.

Nonetheless, this bill is not well thought through and too little serious and reasoned deliberation has gone into its formulation. It makes little sense to me that a corporate CEO might be able to recover \$1 million or more punitive damages under this bill but a typical working family in my State would have punitive damages capped at \$250,000. It doesn't make sense to me that the punitive damage limit is the same for small business as it is for Fortune 500 corporations, much to the advantage of the largest corporations. I am not pleased that over 60 proposed amendments were not made in order for debate on the House floor and an inadequate amount of time is allowed for debate even for those amendments which were made in order. I am not pleased that the House was not permitted to debate or vote on an amendment which would have prevented Federal preemption of State laws to punish sexual predators and drunk drivers.

This legislation preempts State laws, not just in the product liability arena, but relative to all civil litigation, and increases the likelihood that injured individuals will not be able to collect compensation for their legitimate injuries from wrongdoers. It is little wonder that this specific bill is opposed by, among others, the Consumer Federation of America, Consumers Union, the National Conference of State Legislators, YWCA, National Women's Health Network, and the American Association of Retired Persons as well as the American Bar Association.

Mr. POSHARD. Mr. Chairman, I rise today in support of the Common Sense Legal Standards Reform Act, because I believe this bill moves us in the right direction of reforming our Nation's liability system. However, I also believe this bill is overreaching in its attempts to reform the system, and that is why I supported several amendments that I believe would have broadened an individual's opportunity to use the courts to seek due compensation for an injury.

While I understand and agree that injured parties are entitled to fair and just compensation, we all recognize the fact that many people have taken advantage of our health care providers along the way. The reality is the only person that pays for the outrageous settlements our health care providers are often forced to pay is the patient.

I believe the most serious harm caused by our current liability system is reduced access to health care. Increasing premiums and the

threat of liability have caused physicians to abandon practices or to stop providing certain services in various areas of the country, especially in rural America. In my State of Illinois, 68 percent of all family doctors significantly decreased or eliminated obstetrics over a 5-year period, because of the danger of being sued.

Many of the obstetrical patients in my district travel over our State's eastern border to Indiana where caps on noneconomic damages made the profession of obstetrics more palatable. Because these threats of lawsuits exist, the doctors in my district and across the Nation have been forced to purchase exorbitant amounts of malpractice insurance to protect themselves from the threat of multimillion dollar lawsuits. No longer can many of our rural doctors and hospitals afford this costly insurance or the threat of expensive and time-consuming lawsuits.

Many rural hospitals are on the verge of closing, because of their inability to pay for malpractice insurance or million dollar settlements. The doctors, nurses, and hospitals of rural America are only trying to provide aid and comfort to our injured and sick. It is unfair to these health care officials that we allow a legal system to exist that simply sits and waits for them to make a mistake. Because of the constant fear of being sued, the practice of defensive medicine is costing Americans billions of dollars each year and driving our rural hospitals and medical centers to the brink of financial disaster.

Understand, I support compensating people injured by an individual or corporation's mistake, but I do not believe it is just to seek a high-priced settlement at the expense of a doctor or hospital that serves communities that would otherwise not have access to health care services. It is clear that the impacts of high malpractice premiums and lawsuit threats have created a situation that greatly disadvantages rural Illinois families.

Let me say again, I support this bill today, because I believe it is a step in the right direction, especially in its efforts to reform malpractice suits. However, unless the scope of this bill is further limited in the Senate or during conference committee, I will not be able to support the bill in its final form when it comes before the House of Representatives. In particular, the cap being placed on noneconomic losses, an individual's pain and suffering, must be raised to at least \$500,000 if this bill is to receive my support in the future.

I support sending this bill to the Senate, because I believe it is a good and reasonable foundation on which to continue building. However, I could not in good conscience send to the President a bill that I believe would not be fair to those looking to the courts for due compensation.

Just yesterday, the Governor of Illinois signed into law a tort reform measure which may help mitigate the serious problems plaguing our liability system. Nonetheless, Federal action on the issue of malpractice reform could significantly improve the opportunity for rural Americans to have access to quality and affordable health care, and I will do all in my power to foster legislation that will bring about liability reforms which are fair, balanced and effective.

Mr. PORTMAN. Mr. Chairman, America is in the midst of a litigation explosion. Not long ago a woman in New York was using a knife to separate a package of frozen hors d'oeuvres she bought in the supermarket. The knife slipped and she cut her hand. She got a lawyer and sued. She sued the supermarket; she sued the manufacturer; and she sued the packager. We are a litigious society—and we're all paying for it.

In 1991, nearly 19 million new civil suits were filed in our Nation's courts. These lawsuits exact a huge price—a price that is ultimately paid not by big business but by America's consumers. In fact, recent estimates put the price tag at \$300 billion annually. That's \$1,200 for every man, woman and child in America.

Civil litigation attorneys present themselves as champions of the underdog, yet its estimated that only one-third of each dollar awarded in liability cases gets into the hands of the injured party. The great bulk of jury awards goes instead to pay court costs and the lawyers themselves.

The cost to consumers is high. As much as \$500 may be added to the cost of your new car because of litigation costs passed on by the manufacturer. Nearly \$3,000 of the cost of an \$18,000 pacemaker goes to the tort tax. As much as \$500 of the cost of a 3-day maternity stay is due to liability costs.

And it's not just the costs to America's consumers: This litigious feeding frenzy is costing the United States in terms of competitiveness. In a global economy, U.S. businesses have to be able to provide better value for the dollar than their competitors in, say, Japan and Europe. But it's not a level playing field when our products carry a legal surcharge.

The Japanese have 30 times fewer lawsuits than we do. We have 70,000 product liability lawsuits in the United States every year. In Great Britain, they have 200. The greatest loss, however, may not be a question of economics. It can't be measured in dollars and cents. It comes from the products—often medically necessary, life-saving products—that are kept off the market because of the high costs imposed by a civil litigation system run amok.

I believe it's time to stop the litigation explosion. The House took the first step today with the passage of the Contract With America's Common Sense Legal Reform Act. It makes a number of common sense changes, including limiting punitive damage awards to a reasonable relationship to the actual or compensatory damages incurred; punitive damages would be either three times the actual damages or \$250,000, whichever is greater. It would help to limit the huge profits tort lawyers now rake in. This will make a plaintiff's lawyer and a potential litigant think carefully before filing a suit.

To discourage frivolous lawsuits, it would provide—as almost all other industrialized nations do—that the loser in civil cases pays costs. This will make a potential litigant think carefully before filing a suit. Right now, plaintiffs may sue on unsubstantiated grounds, because they have nothing to lose even if the jury throws the case out of court. The accused, however, may be saddled with tens of thousands in court costs, despite complete and utter innocence.

I believe common sense and fairness have prevailed by Congress' passage of these legal system reforms.

Mr. CARDIN. Mr. Chairman, although I shall support the amendment to H.R. 1075, offered by Mr. Cox, which will add a noneconomic cap in medical malpractice awards, I do so with major reservations. The \$250,000 cap is too low. My State of Maryland which originally enacted a \$350,000 cap on noneconomic damages has increased that cap to \$500,000. Such an amount is far more reasonable.

I also resent the fact that the amendment is being considered without any opportunity for me to submit an amendment to the Cox amendment, No. 12, to raise the cap or for me to submit a separate amendment regarding this subject.

My vote in favor of the Cox amendment should be interpreted only to support the inclusion of a cap. I trust the cap will be adequately adjusted by the Senate or in conference.

Mr. HASTERT. Mr. Chairman, I would like to clarify an important issue regarding title III of H.R. 956. This title incorporates the provisions of H.R. 753, the Biomaterials Access Assurance Act, a bill to ensure that adequate supplies of biomaterials are available to medical device manufacturers. During the Commerce Committee's markup of H.R. 917, I offered an amendment to protect these vital supplies, the text of which now appears, with some modifications, in H.R. 965.

It has come to my attention, however, that in the period of time between offering my amendment and today, language has been added to deal with the difficult issue of biomaterials suppliers who are alleged to have wrongfully withheld or misrepresented safety information, or who know of fraudulent use of their materials. I agree, of course, that conduct of this type, if it occurs, should not go unpunished. However, I have concerns regarding the specific language added to H.R. 965 to address this issue.

I have heard from a number of biomaterials suppliers in recent days that the new language will not arrest the flight of suppliers from the implantable device market. May I remind my colleagues that we came to this debate to achieve a singular objective: To stem the exodus of biomaterials suppliers from the implantable device market. We must reduce the incidence of unnecessary and costly litigation to prevent further flight by these suppliers. If we do not act, American patients will not have access to life-saving, life-enhancing implantable devices, including pace makers, heart valves, artificial blood vessels, hydrocephalic shunts, hip and knee joints, and even simple sutures for common surgeries.

Mr. Chairman, in the final analysis, this debate is about more than legal theory and procedure. It is about ensuring that those devices which can save and enhance a person's life will be available when they need them. It is imperative that we fix this problem.

In closing, I believe that the issues I have raised need to be discussed further. With the help of my colleagues, I am sure we can draft language that addresses these concerns.

Mr. GEKAS. Mr. Chairman, title III of H.R. 1075 essentially incorporates the provisions of H.R. 753, the Biomaterials Access Assurance



Act, which I introduced to help assure adequate supplies of biomaterials for medical devices.

Language has been added in H.R. 1075 to deal with the difficult issue of biomaterials suppliers who are alleged to have wrongfully withheld or misrepresented safety information or who know of fraudulent use of their materials. I believe strongly that conduct of this type should not go unpunished.

Under current law, a medical device manufacturer can bring an action in such circumstances against the biomaterials supplier, and may recover from the supplier any damages that the manufacturer had to pay as a result of a lawsuit by an individual who has been injured. This is unchanged by title III of H.R. 1075. This is as it should be.

The new language in title III, however, prevents a motion for dismissal by a biomaterials supplier if the injured individual claims misrepresentation or fraud. This will keep the deep pockets supplier in the case and subject to the same kind of costly litigation that now threatens to dry up the supply of biomedical materials. So the purpose of title III, to ensure the continuing availability of life-saving and life-enhancing medical devices made from these materials, will be thwarted. Again, let me emphasize that under existing law the manufacturer will have recourse against the errant supplier. The wrongdoer will have to pay for its action. Wrongful conduct will not be immunized.

As this legislation moves forward, I believe this situation should be kept in mind with a view toward finding an appropriate solution.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise today with words of support for H.R. 956, the Common Sense Product Liability and Legal Reform Act, as well as H.R. 10, the entire package of commonsense legal reforms which the House of Representatives has passed this week.

I strongly support the efforts of this House to bring much needed reforms to our tort liability system. This legislation, if enacted, will benefit the State of New Jersey, its businesses, and its consumers.

I have heard from hundreds of constituents and businesses in the 11th District of New Jersey regarding the need for limitations on frivolous lawsuits. These constituents are all too familiar with the rising costs of liability insurance.

I have also heard from constituents whose businesses, increasingly in the past several years, have been the targets of frivolous lawsuits which were eventually found meritless. These decisions came only after having spent obscene amounts of time and money defending themselves. These constituents are all too familiar with the phenomenon of costly settlements having to be made to settle even costlier lawsuits.

The reality is that even a single frivolous lawsuit is sometimes enough to force a small business out of business. Unfortunately, the costs associated with this reality are then passed on to clients and consumers.

Everyone agrees that citizens should have the right to sue and collect reasonable compensation if they are wrongfully injured. These bills will continue to protect fully, that right.

I am pleased to support passage of this well-balanced legislation.

Mr. FAZIO. Mr. Chairman, I rise today to affirm my support for product liability reform and commonsense legal reforms, but it is with great regret that I am not able to vote for final passage of this measure.

First, let me be clear that I strongly believe that we need to replace the current costly patchwork of State laws on product liability with a uniform standard which is fair to consumers, manufacturers, and small businesses. Although over 70 percent of products routinely travel across State lines, under our current laws, the outcome of product liability lawsuits more often depend on geography than the merits of the cases. This confusion of 50 separate State laws stifles business innovation and development. As a result of skyrocketing liability costs, 39 percent of American manufacturers have decided not to introduce new products and 25 percent have discontinued new product research. For consumers, disparate liability laws means that the costs for litigation and skyrocketing insurance rates are passed on to them through higher prices for products.

Furthermore, I support restoring fairness to liability litigation by applying a fair share principle for determining noneconomic damage awards, a step that the majority of States have already taken. This provision would ensure that victims are fairly compensated, but put an end to the practice of lawyers suing any deep pocket who is even remotely connected to the case.

However, I must express my great disappointment and frustration with the way this legislation was brought to the floor. While the title of this legislation is ostensibly the Common Sense Legal Reform Act, I cannot understand why the authors of this bill did not have the common sense to give more careful and deliberate consideration to these complicated issues. This legislation was rushed through the committee process, and as a result, I do not believe this legislation in any way represents the best effort this body can make to produce a uniform liability law. This flawed measure may be keeping the Contract With America on its timetable, but I do not believe it is worth the price of a bad bill.

For example, I supported the Cox amendment addressing the important issue of medical malpractice because I have been a proponent of similar provisions contained in California's Medical Injury Compensation Reform Act [MICRA]. MICRA was adopted to respond to the crisis in the availability and affordability of professional liability coverage for health professionals throughout the State in a way that preserved a high level of quality assurance for patients. MICRA compensates injured patients without limit for all economic losses, but limits noneconomic losses to no more than \$250,000.

However, I wish to make it clear that I believe this amendment is a blunt instrument in which to bring MICRA type malpractice reform into the broader national debate about liability reform. This amendment would extend a cap on noneconomic damages to include medical devices as well as health insurance, provisions that are not part of my State's current law. I understand that this amendment was hastily drafted and went under a number of major revisions within less than 24 hours before it was debated. While I am troubled that

this amendment contained provisions that were not thoroughly examined or debated, I supported the amendment because I believe that it was an important step to highlight the needs of malpractice reforms. With more time and consideration, this issue could have been addressed much more effectively.

Moreover, if the Rules Committee would have allowed for a fair and reasonable amendment process, I could have likely supported this bill. Regrettably, the Rules Committee shut out the most reasonable amendments that could have made this legislation a sound and workable solution to our product liability problems.

For example, I believe that placing a cap on punitive damages in product liability cases could relieve some of the needless uncertainty that exists today about the lottery of current litigation, a system which leads companies to agree to large settlements even in cases with extremely tenuous liability. However, the cap on punitive damages in this bill—\$250,000 or three times the amount of monetary awards, whichever is greater—was just too low to serve as a true incentive to manufacturers to ensure their products are safe. Furthermore, this cap applied to all civil cases, not just product liability cases. The cap on punitive damages was a key issue in this debate, and a number of amendments were submitted to the Rules Committee which would have given us the opportunity to keep caps on punitive damages in the bill, but raise them to a more reasonable level or more specifically target the caps to product liability cases. The amendments we were allowed to consider on the floor did not adequately address these critical issues.

Thus, without the opportunity to vote on a better liability reform bill, I must oppose the final version of H.R. 956. It is my sincere hope that this legislation will eventually go to conference with the Senate, and return in a form that I can support which will be fair to consumers and business alike.

Mr. REED. Mr. Chairman, I was one of two Democrats to support H.R. 956 during its consideration by the Judiciary Committee.

I support product liability reform and I support the core principles of the original H.R. 10/H.R. 956.

#### A CAP ON PUNITIVE DAMAGES

We need to bring certainty and proportionality to the process. Everyone agrees that some awards are totally out of proportion to the harm done. The cost of insuring for this uncertainty is part of the litigation tax that drives up costs for all consumers.

Proportionate, not joint, liability for de minimis tortfeasors. This is a necessary reform: defendants who are peripherally responsible should not be handed the entire bill for someone else's wrongdoing just because they may have deep pockets.

#### A STATUTE OF REPOSE

Manufacturers should not be sued for a product that is still being used long past its useful life. And they deserve protection against suits that result from misuse or alteration of their products.

However, this bill has been distorted by the adoption of a series of floor amendments and the failure of the Rules Committee to allow consideration of amendments that would have, in my opinion, improved the bill.

For example, an amendment by Mr. BERMAN of California that would have provided relief from joint liability for de minimis tortfeasors while retaining liability for highly culpable wrongdoers was not allowed to be offered, in spite of the fact that this amendment received bipartisan support in the Judiciary Committee. As it stands now, the bill offers protection not only to de minimis tortfeasors but to serious wrongdoers who are 80 or 90 percent responsible for an injury.

But it is really the adoption of several floor amendments that vastly expand the scope of the bill that prevent me from being able to support the bill in its final form. These amendments were adopted without the benefit of hearings and careful deliberation and may have many unforeseen and unintended consequences.

For example, the bill now preempts State laws that impose punitive damages on drunk drivers and sexual predators, among others. It also will enable clever wrongdoers to escape punitive damages. For example, the manufacturers of the drug Zomax reported adverse reactions to the FDA as required to gain an exemption from punitive damages under one of the floor amendments; then, before the FDA could act, they intentionally dumped their inventory on the market, causing 14 deaths and 400 allergic reactions. I do not believe this is the type of behavior we should shield from punishment. Finally, because of the way the caps are structured, the bill disadvantages children, seniors, women, and middle income working Americans who are injured. A high income executive who is injured by a Ford Pinto would receive a far higher share of the damages allowed under State law than a child or a senior citizen injured by the same product. I do not believe these are the results my constituents are looking for when they ask for litigation reform. Although I support tort reform, I believe this bill needs improvement.

I hope that the final conference report will return to the sound principles of the original bill, and embrace true product liability reform. If it does, I intend to support it.

However, at this time I do not believe that this bill is worthy of support. I voted in favor of a projob creation bill in committee that became, on the House floor, a bill that tilts the court system against people of modest means, and includes several anticonsumer provisions.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WALKER) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 956) to establish legal standards and procedures for product liability litigation, and for other purposes, pursuant to House Resolution 109, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the

nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

□ 1145

MOTION TO RECOMMIT OFFERED BY MR. GORDON

Mr. GORDON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore (Mr. WALKER). Is the gentleman opposed to the bill?

Mr. GORDON. In its present form, Mr. Speaker, I am.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. GORDON moves to recommit the bill to the Committee on the Judiciary with instructions to report the bill back to the House forthwith, with the following amendments:

Add at the end of the bill the following:

**SEC. 404. SERVICE OF PROCESS.**

This Act shall not apply to a product liability action unless the manufacturer of the product or component part has appointed an agent in the United States for service of process from anywhere in the United States.

Change the limit in section 201 on punitive damages to the following: "3 times the amount of damages awarded to the claimant for the economic loss on which the claimant's action is based, or \$1,000,000, whichever is greater".

The SPEAKER pro tempore. The gentleman from Tennessee [Mr. GORDON] is recognized for 5 minutes in support of his motion.

Mr. GORDON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise as someone who is a supporter of products liability reform, not just in this Congress, but in past Congresses. I supported the bipartisan bill last year because I do not think status quo is satisfactory. However, I am disappointed that this House has been required to work under a gag rule that has gagged amendments, has gagged this House from fully discussing this issue, and has really gagged the American people from having a full discussion of this issue and allowing us to put better amendments on the floor.

So I rise with a motion to recommit that I think improves this bill in two years: One, to put back in the bill a provision that will require foreign manufacturers to designate an agent in this country. The reason for that is that American consumers are going to be disadvantaged if they are the recipient of some harm by goods in this country by a foreign manufacturer and then cannot get service on them, and American business is going to be at a disadvantage if they are going to be responsible for liability in this country,

however foreign manufacturers would not because they do not have an agent to be served.

Mr. Speaker, the second part of this motion to recommit will raise the punitive damage level from \$250,000 to a more reasonable \$1 million for outrageous conduct.

Mr. Speaker, I yield to my friend, the gentleman from Michigan [Mr. CONYERS].

Mr. CONYERS. Mr. Speaker, I thank the gentleman from Tennessee for the excellent job he has done.

Mr. Speaker, the motion to recommit makes two simple changes, first restoring the provision from the committee-passed bill which would require foreign manufacturers to be subject to service of process in this country before they could benefit from the bill's provision, and then second increase the cap on punitive damages from a quarter million dollars to \$1 million.

Although the body approved a separate amendment by a 92-vote margin that I offered yesterday dealing with foreign manufacturers, that amendment merely ensured that foreign manufacturers were subject to Federal court rules in terms of discovery and jurisdiction. However, we all know that being subject to court rules is not worth anything unless you can actually serve the company with process and bring them into court.

Unfortunately, the first Cox amendment approved yesterday I like to think inadvertently knocked out my service-of-process language. This gutted the whole bill. So the Cox amendment gutted the whole provision of being able to hold foreign wrongdoers responsible for their actions.

Mr. Speaker, I strongly support the motion to recommit.

Mr. GORDON. Mr. Speaker, I yield to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, the function of this motion to recommit is a very simple one: One, to include what essentially would have been a bipartisan amendment to this legislation, which would have been offered by the gentleman from Ohio [Mr. OXLEY] and the gentleman from Tennessee [Mr. GORDON], that would have raised the amount of punitive damages to \$1 million or three times the economic damages, a very fair and a very humane amendment which would protect the rights of persons injured by serious wrongdoing by manufacturers and others.

The other thing that the amendment does is something which was voted on yesterday and in which by 258 to a substantially lesser number this body came to the judgment that we ought to see to it that foreigners are treated the same way as Americans are.

The Cox amendment yesterday struck from the bill a requirement that foreigners appoint an agent for purposes of receiving service. The striking



of that provision meant that no longer is it easy to get jurisdiction over foreigners who engage in improper processes in manufacturing.

Let me give you an example. An American manufacturer manufactures an automobile. In it he includes foreign parts. He is sued for product liability because of the manufacturing of that automobile. Service is easy on the American manufacturer. Under the Cox amendment, it is almost impossible.

Mr. Speaker, if you wanted to treat Americans fairly with foreigners, vote for the motion to recommit. Otherwise vote for the bill as it is.

Mr. GORDON. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, in summary, let me state this motion to recommit offers us a chance to protect U.S. citizens harmed by foreign products, allow American business a chance to compete against foreign manufacturers on an equal footing, and keep the most dangerous products in this country off the market.

Mr. Speaker, I urge Members to support the Conyers-Dingell motion to recommit.

Mr. HYDE. Mr. Speaker, I rise in opposition to the motion.

The SPEAKER pro tempore. The gentleman from Illinois [Mr. HYDE] is recognized for 5 minutes.

Mr. HYDE. Mr. Speaker, I yield to the distinguished gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to the motion to recommit, and I do so with some concern, because the fact is the language added regarding service of process I think is a bogus argument and is simply an effort to bash foreign manufacturers.

The motion to recommit, as far as the language increasing its punitive damage ceiling and the cap to \$1 million, is an amendment that I had supported and had offered, in fact, to the Committee on Rules. But clearly the language involving service of process in my estimation has no business in the motion to recommit. Frankly, it has no business in the bill.

Mr. Speaker, for that, I feel compelled to oppose the motion to recommit.

Mr. HYDE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, there are three points to be made on this motion to recommit. The first one is on the first part of the motion to recommit, it has to do with service on foreign corporations. The amendment of the gentleman from Michigan [Mr. CONYERS] was not stricken by the Cox amendment. It still is in the bill, the one that passed last night making foreign manufacturers subject to the jurisdiction of the Federal courts in product liability actions.

What the motion to recommit does has to do with service of process on foreign corporations. I tell you it is unnecessary. The Hague Convention, to which we are all subscribers, already provides for service of process on foreign corporations. So it is unnecessary and it is unneeded.

As to the second part of the motion to recommit, it seeks to elevate the ceiling on punitive damages from \$250,000 or three times the economic damages, which could exceed \$250,000, to \$1 million.

Now, I point out with as much fervor as I can muster, punitive damages are not meant to compensate anybody. They are a punishment, they are a deterrent. There is no inhibition, there is no impediment to a plaintiff suing for medical expenses, economic expenses, noneconomic expenses, pain and suffering, loss of use. All of those things are elements of damages that are recoverable. We are talking now about punitive damages meant to punish somebody, and the purpose of this bill is to have a consistent, reasonable figure so insurance companies and manufacturers are not terrorized by the possibility of bankrupting punitive damages assessed against them in some of the States.

□ 1200

Punitive damages impede quick settlements. They get in the way. The reforms in our bill are reasonable. The Governors Association said, "We urge you to act swiftly to enact this legislation."

Now, if you elevate the ceiling to \$1 million, you adulterate and you diminish the effect of having a good products liability bill, a good tort reform bill.

I hope Members will stay with the committee, stay with the bill and defeat the motion to recommit.

I want to say something about the remarks of the gentleman who moved this motion to recommit. He called it a gag rule. I, for one, am very tired of having the Republican side berated for issuing rules that do not make in order 82 different amendments but do make in order significant amendments of the opposition. This rule, this rule made in order 8 Democrat amendments out of 15.

I just say to the gentlemen and gentlewomen of this House that they have a short memory if they do not recall in the last session the motor-voter bill, where we got one amendment permitted; the assault weapons ban, where we got no amendments. Do Members hear that? No amendments.

That is a closed rule, let me tell my colleagues. Reinventing Government, do Members know how many amendments Republicans were permitted on that? Zero. How about campaign reform? Do my colleagues know how many amendments we were permitted? Zero. That is one of my objections to

term limits. People will forget the way we were treated. And they have the, shall I say, "chutzpah" to say we put a gag rule on you when we give you eight amendments. I am sorry. I resist that.

Mr. CONYERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I thank the gentleman for yielding to me.

The SPEAKER pro tempore (Mr. WALKER). The time of the gentleman from Illinois [Mr. HYDE] has expired.

Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

#### RECORDED VOTE

Mr. GORDON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 195, noes 231, not voting 8, as follows:

[Roll No. 228]

AYES—195

Abercrombie	Farr	Manton
Ackerman	Fattah	Markey
Andrews	Fazio	Martinez
Baerler	Fields (LA)	Mascara
Baldacci	Flner	Matsui
Barrett (WI)	Flake	McCarthy
Becerra	Foglietta	McCollum
Bellenson	Ford	McDermott
Bentsen	Frank (MA)	McHale
Berman	Frost	McKinney
Bevill	Furse	McNulty
Bishop	Gejdenson	Meehan
Bonior	Gephardt	Meek
Borski	Gibbons	Menendez
Boucher	Gonzalez	Mfume
Browder	Gordon	Miller (CA)
Brown (CA)	Graham	Mineta
Brown (FL)	Green	Minge
Brown (OH)	Gutierrez	Mink
Bryant (TX)	Hall (OH)	Mollohan
Cardin	Hall (TX)	Montgomery
Chapman	Hamilton	Moran
Clay	Harman	Murtha
Clayton	Hastings (FL)	Nadler
Clement	Hayes	Neal
Clyburn	Hefner	Oberstar
Coleman	Hilliard	Obey
Collins (IL)	Hinchey	Olver
Collins (MI)	Holden	Ortiz
Conyers	Hoyer	Orton
Costello	Jackson-Lee	Owens
Coyne	Jacobs	Pallone
Cramer	Johnson (SD)	Pastor
Danner	Johnson, E.B.	Payne (NJ)
de la Garza	Johnston	Payne (VA)
Deal	Kaptur	Pelosi
DeFazio	Kennedy (MA)	Peterson (FL)
DeLauro	Kennedy (RI)	Pomeroy
Dellums	Kennelly	Poshard
Deutsch	Kildee	Rahall
Dickey	Kleczka	Reed
Dicks	Klink	Reynolds
Dingell	LaFalce	Richardson
Dixon	Lantos	Rivers
Doggett	Laughlin	Roemer
Dooley	Levin	Rose
Doyle	Lewis (GA)	Roybal-Allard
Duncan	Lincoln	Rush
Durbin	Lipinski	Sabo
Edwards	Lofgren	Sanders
Engel	Lowey	Sawyer
Eshoo	Luther	Schiff
Evans	Maloney	Schroeder

Schumer  
Scott  
Serrano  
Skaggs  
Skelton  
Slaughter  
Spratt  
Stark  
Stokes  
Studds  
Stupak  
Tanner

Tauzin  
Taylor (MS)  
Tejeda  
Thompson  
Thornton  
Thurman  
Torres  
Traficant  
Tucker  
Velazquez  
Vento  
Visclosky

Volkmer  
Ward  
Waters  
Watt (NC)  
Waxman  
Williams  
Wilson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates

Cubin  
Jefferson  
Kanjorski

## NOT VOTING—8

McIntosh  
Moakley  
Rangel  
Torricelli  
Towns

Miller (FL)  
Minge  
Molinar  
Montgomery  
Moorhead  
Moran  
Morella  
Myers  
Myrick  
Nethercutt  
Neumann  
Ney  
Norwood  
Nussle  
Oxley  
Packard  
Parker  
Paxon  
Payne (VA)  
Peterson (FL)  
Peterson (MN)  
Petri  
Pombo  
Porter  
Portman  
Poshard  
Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Regula  
Riggs

Roberts  
Roemer  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Schiff  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Shuster  
Sisisky  
Skeen  
Slaughter  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Spratt  
Stearns  
Stenholm

Stockman  
Stump  
Talent  
Tanner  
Tate  
Tauzin  
Taylor (MS)  
Taylor (NC)  
Thomas  
Thornberry  
Tiahrt  
Torkildsen  
Traficant  
Upton  
Vucanovich  
Waldholtz  
Walker  
Walsh  
Wamp  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

## NOES—231

Allard  
Archer  
Armey  
Bachus  
Baker (CA)  
Baker (LA)  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bateman  
Bereuter  
Bilbray  
Bilbrakis  
Billiey  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
Brewster  
Brownback  
Bryant (TN)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Castle  
Chabot  
Chambliss  
Chenoweth  
Christensen  
Chryslers  
Clinger  
Coble  
Coburn  
Collins (GA)  
Combest  
Condit  
Cooley  
Cox  
Crane  
Crapo  
Creameans  
Cunningham  
Davis  
DeLay  
Diaz-Balart  
Doolittle  
Dornan  
Dreier  
Dunn  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Ewing  
Fawell  
Fields (TX)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen

Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas  
Geren  
Gilchrest  
Gillmor  
Gillman  
Goodlatte  
Goodling  
Goss  
Greenwood  
Gunderson  
Gutknecht  
Hancok  
Hansen  
Hastert  
Hastings (WA)  
Hayworth  
Hefley  
Heineman  
Herger  
Hilleary  
Hobson  
Hoekstra  
Hoke  
Horn  
Hostettler  
Houghton  
Hutchinson  
Hyde  
Ingalls  
Istook  
Johnson (CT)  
Johnson, Sam  
Jones  
Kasich  
Kelly  
Kim  
King  
Kingston  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Linder  
Livingston  
LoBiondo  
Longley  
Lucas  
Manzullo  
Martini  
McCrery  
McDade  
McHugh  
McInnis  
McKeon  
Metcalf  
Meyers  
Mica  
Miller (FL)  
Molinar  
Moorhead  
Morella  
Myers  
Myrick  
Nethercutt

Neumann  
Ney  
Norwood  
Nussle  
Oxley  
Packard  
Parker  
Paxon  
Peterson (MN)  
Petri  
Pickett  
Pombo  
Porter  
Portman  
Pryce  
Quillen  
Quinn  
Radanovich  
Ramstad  
Regula  
Riggs  
Roberts  
Rogers  
Rohrabacher  
Ros-Lehtinen  
Roth  
Roukema  
Royce  
Salmon  
Sanford  
Saxton  
Scarborough  
Schaefer  
Seastrand  
Sensenbrenner  
Shadegg  
Shaw  
Shays  
Shuster  
Sisisky  
Skeen  
Smith (MI)  
Smith (NJ)  
Smith (TX)  
Smith (WA)  
Solomon  
Souder  
Spence  
Stearns  
Stenholm  
Stockman  
Stump  
Talent  
Tate  
Taylor (NC)  
Thomas  
Thornberry  
Tiahrt  
Torkildsen  
Upton  
Vucanovich  
Waldholtz  
Walker  
Walsh  
Wamp  
Watts (OK)  
Weldon (FL)  
Weldon (PA)  
Weller  
White  
Whitfield  
Wicker  
Wolf  
Young (AK)  
Young (FL)  
Zeliff  
Zimmer

The Clerk announced the following pairs:

On this vote:

Mr. Jefferson for, with Mrs. Cubin against.  
Mr. Kanjorski for, Mr. McIntosh against.

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WALKER). The question is on passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

## RECORDED VOTE

Mr. CONYERS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 161, not voting 8, as follows:

## [Roll No. 229]

## AYES—265

Allard  
Archer  
Armey  
Bachus  
Baesler  
Baker (CA)  
Baker (LA)  
Ballenger  
Barcia  
Barr  
Barrett (NE)  
Bartlett  
Barton  
Bass  
Bereuter  
Bevil  
Billbray  
Bilbrakis  
Billiey  
Blute  
Boehlert  
Boehner  
Bonilla  
Bono  
Boucher  
Brewster  
Browder  
Brownback  
Bryant (TN)  
Bunn  
Bunning  
Burr  
Burton  
Buyer  
Callahan  
Calvert  
Camp  
Canady  
Castle  
Chabot  
Chenoweth  
Christensen  
Chrysler  
Clinger  
Coburn  
Collins (GA)  
Combest  
Condit  
Cooley  
Cox  
Cramer  
Crane  
Crapo  
Creameans  
Cunningham

Danner  
Davis  
Deal  
DeLay  
Dickey  
Dooley  
Doolittle  
Dornan  
Dreier  
Duncan  
Dunn  
Edwards  
Ehlers  
Ehrlich  
Emerson  
English  
Ensign  
Everett  
Ewing  
Fawell  
Fields (TX)  
Flanagan  
Foley  
Forbes  
Fowler  
Fox  
Franks (CT)  
Franks (NJ)  
Frelinghuysen  
Frisa  
Funderburk  
Gallegly  
Ganske  
Gekas  
Geren  
Gilchrest  
Gillmor  
Gillman  
Goodlatte  
Goodling  
Gordon  
Goss  
Graham  
Greenwood  
Gunderson  
Gutknecht  
Hall (OH)  
Hall (TX)  
Hamilton  
Hancock  
Hansen  
Harman  
Hastert  
Hastings (WA)  
Hayes  
Hayworth

Hefley  
Hefner  
Heineman  
Herger  
Hilleary  
Hobson  
Hoekstra  
Hoke  
Holden  
Horn  
Hostettler  
Houghton  
Hunter  
Hutchinson  
Hyde  
Ingalls  
Johnson (CT)  
Johnson, Sam  
Jones  
Kaptur  
Kasich  
Kelly  
Kennelly  
Kim  
Kingston  
Klecza  
Klug  
Knollenberg  
Kolbe  
LaHood  
Largent  
Latham  
LaTourette  
Laughlin  
Lazio  
Leach  
Lewis (CA)  
Lewis (KY)  
Lightfoot  
Lincoln  
Linder  
Livingston  
LoBiondo  
Longley  
Lucas  
Manzullo  
McCollum  
McCrery  
McDade  
McHugh  
McInnis  
McKeon  
McNulty  
Metcalf  
Meyers  
Mica

Abercrombie  
Ackerman  
Andrews  
Baldacci  
Barrett (WI)  
Bateman  
Becerra  
Bellenson  
Bentsen  
Berman  
Bishop  
Bonior  
Borski  
Brown (CA)  
Brown (FL)  
Brown (OH)  
Bryant (TX)  
Cardin  
Chapman  
Clay  
Clayton  
Clyburn  
Coble  
Coleman  
Collins (IL)  
Collins (MI)  
Conyers  
Costello  
Coyne  
de la Garza  
DeFazio  
DeLauro  
Dellums  
Deutsch  
Diaz-Balart  
Dicks  
Dingell  
Dixon  
Doggett  
Doyle  
Durbin  
Engel  
Eshoo  
Evans  
Farr  
Fattah  
Fazio  
Fields (LA)  
Filner  
Flake  
Foglietta  
Ford  
Frank (MA)  
Frost  
Chambliss  
Cubin  
Gibbons

## NOES—161

Furse  
Gejdenson  
Gephardt  
Gonzalez  
Green  
Gutierrez  
Hastings (FL)  
Hinchey  
Hoyer  
Istook  
Jackson-Lee  
Jacobs  
Johnson (SD)  
Johnson, E.B.  
Johnston  
Kanjorski  
Kennedy (MA)  
Kennedy (RI)  
Kildee  
King  
Klink  
LaFalce  
Lantos  
Levin  
Lewis (GA)  
Lipinski  
Lofgren  
Lowey  
Luther  
Maloney  
Manton  
Markay  
Martinez  
Martini  
Mascara  
Matsui  
McCarthy  
McDermott  
McHale  
McKinney  
Meehan  
Meek  
Menendez  
Mfume  
Miller (CA)  
Mineta  
Mink  
Moakley  
Mollohan  
Murtha  
Nadler  
Neal  
Oberstar  
Obey  
Hilliard  
Jefferson  
McIntosh

Olver  
Ortiz  
Orton  
Owens  
Pallone  
Pastor  
Payne (NJ)  
Pelosi  
Pickett  
Pomeroy  
Rahall  
Reed  
Reynolds  
Richardson  
Rivers  
Rose  
Roybal-Allard  
Rush  
Sabo  
Sanders  
Sawyer  
Schroeder  
Schumer  
Scott  
Serrano  
Skaggs  
Skelton  
Stark  
Stokes  
Studds  
Tejeda  
Thompson  
Thornton  
Thurman  
Torres  
Torricelli  
Tucker  
Velazquez  
Vento  
Visclosky  
Volkmer  
Ward  
Waters  
Watt (NC)  
Waxman  
Williams  
Willson  
Wise  
Woolsey  
Wyden  
Wynn  
Yates  
Rangel  
Towns

## NOT VOTING—8



□ 1239

The Clerk announced the following pairs:

On this vote:

Mrs. Cubin for with Mr. Jefferson against.  
Mr. McIntosh for with Mr. Towns against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. CHAMBLISS. Mr. Speaker, unfortunately, when the vote on the Common Sense Legal Standard Reform Act was taken a few minutes ago, I was across the hall meeting with some folks in my State on a very important matter. I did not hear my beeper, nor did I hear the bells, and I just wish to insert in the RECORD the fact that had I been present during the vote, I would have voted affirmatively on that bill.

#### PERSONAL EXPLANATION

Mr. MCINTOSH. Mr. Speaker, I, too, was inadvertently detained from the floor of the House by an engagement that went beyond the anticipated time, and because of the earlier unanticipated vote on this matter I was not able to make it into the Chamber in time to cast my vote.

#### GENERAL LEAVE

Mr. HYDE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 956, the bill just passed.

The SPEAKER pro tempore (Mr. WALKER). Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 956, COMMON SENSE LEGAL STANDARDS REFORM ACT OF 1995

Mr. HYDE. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill H.R. 956 the Clerk have authority to make such technical and conforming amendments in the text of H.R. 956 as may be required because of the amendments to such bill agreed to by the House.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### APPOINTMENT OF ADDITIONAL CONFEREES ON S. 244, PAPERWORK REDUCTION ACT OF 1995

The SPEAKER pro tempore. Without objection, the Chair appoints the fol-

lowing additional conferees on S. 244, Paperwork Reduction Act of 1995.

Mrs. COLLINS of Illinois, Mr. PETERSON of Minnesota, and Mr. WISE.

There was no objection.

#### REPORT ON RESOLUTION PROVIDING AMOUNTS FOR EXPENSES OF CERTAIN COMMITTEES OF THE HOUSE

Mr. THOMAS, from the Committee on House Oversight, submitted a privileged report (Rept. No. 104-74) on the resolution (H. Res. 107) providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress, which was reported to the House Calendar and ordered to be printed.

#### PERMISSION FOR COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES TO FILE REPORT ON H.R. 999, WELFARE REFORM CONSOLIDATION ACT OF 1995

Mr. CLINGER. Mr. Speaker, I ask unanimous consent that the Committee on Economic and Educational Opportunities may have until 5 p.m. today to file a late report on H.R. 999, the Welfare Reform Consolidation Act of 1995.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### LEGISLATIVE PROGRAM

(Mr. BONIOR asked and was given permission to address the House for 1 minute.)

Mr. BONIOR. Mr. Speaker, I inquire of the distinguished majority leader the schedule for next week.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I thank the gentleman for yielding.

Mr. Speaker, on Monday, March 13, the House will meet in proforma session at 2 p.m. There will be no votes on Monday.

On Tuesday, the House will meet at 12:30 p.m. for morning hour and 2 p.m. for legislative business. There will be no votes until 5 p.m. We expect to consider eight bills under suspension of the rules. If any votes are called on these bills, they will be held over until 5 p.m.

The following bills are scheduled for consideration under suspension of the rules on Monday:

H.R. 402, the Alaska Native Claims Settlement Amendments Act;

H.R. 421, the Cook Inlet Region Purchase of Common Stock Act;

H.R. 715, the Sea of Okhotsk Fisheries Enforcement Act of 1995;

H.R. 531, the Great Western Scenic Trail Designation Act;

H.R. 694, the Minor Boundary Adjustments and Miscellaneous Park Amendments Act;

H.R. 562, the Walnut Canyon National Monument Modification Act of 1995;

H.R. 536, the Delaware Water Gap Recreation Area Vehicle Operation Fees Act; and

H.R. 517, the Chacoan Outliers Protection Act of 1995.

□ 1245

On Wednesday, the House will meet at 11 a.m. to take up House Resolution 107, the committee funding resolution. We expect to complete the resolution and then move to consideration of H.R. 1158 and H.R. 1159, the fiscal year 1995 emergency supplemental appropriations and rescissions legislation, subject to a rule.

On Thursday, the House will meet at 10 a.m. to complete the supplemental and rescission package. It is our hope to have Members on their way home to their districts and their families by 3 p.m. on Thursday.

I would remind Members that the House will not be in session next Friday or on the following Monday due to the district work period.

On the following Tuesday, March 21, we do not expect votes to be held before 5 p.m. If there is any change in this schedule we will notify Members as soon as possible to allow you to finalize your travel plans at the earliest possible date.

Mr. BONIOR. I would ask my friend from Texas, do you expect to have votes on any of these suspension bills that the gentleman listed on Tuesday?

Mr. ARMEY. If the gentleman will yield, of course votes are possible on any of them. We cannot predict at this time whether or not there will be votes, so Members should be advised that we expect votes after 5 o'clock on Tuesday next.

Mr. BONIOR. The reason I ask is these are the same bills that we had in the last Congress. They were so far as I know completely noncontroversial and passed without any objections to them last Congress. And they are the only business we are going to have on Tuesday. On votes, I think we might want to consider whether we want to go ahead with the votes on Tuesday on these measures which appear to be very noncontroversial, but I just raise that as something for my friend to consider.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Missouri.

Mr. VOLKMER. Briefly on that, I remember back when we had things like this come up, a lot of things, we would roll the votes to the next day when we had a pretty good idea we were not going to have votes or very many votes, and if we are just going to come

back here on Tuesday and there are really not going to be any votes after all, I just do not understand it. And the other thing, it does not appear on Wednesday that we are going to be having a real heavy schedule.

Mr. BONIOR. Well, it is my understanding what the majority would like to do is deal with the committee funding bill.

Mr. VOLKMER. That is probably an hour.

Mr. BONIOR. And it is possible to roll the votes, and I would hope my friends on the other side of the aisle would consider that.

May I also ask the majority leader what time for the last votes on Tuesday and Wednesday? Any sense of that?

Mr. ARMEY. If the gentleman will yield, obviously this is a very important piece of legislation. We want to make sure that we can set our timing to as much as possible assure Members of their 3 o'clock departure on Thursday. We should be prepared to go late on both Tuesday and Wednesday night, and of course we would go no later than what we think is necessary to guarantee that 3 o'clock departure.

Mr. BONIOR. If we are only going to do the suspensions on Tuesday, what would necessitate us to go late Tuesday evening?

Mr. ARMEY. If the gentleman will yield, the gentleman's point is well taken. Tuesday night may not necessarily be such a late night, but Wednesday night we should be prepared.

Mr. BONIOR. I thank my colleague for his information on that.

I yield to my friend, the gentleman from Texas.

Mr. DOGGETT. I was wondering about our procedure this next week. Under the new open rules under the Contract With America, when we took up the law enforcement block grants there were at least 10 Members who were denied the right to offer an amendment. On national security there were at least eight Members who were denied an opportunity to offer an amendment. On the regulatory moratorium there were at least 15 Members who were denied the opportunity to offer an amendment. On risk assessment there were a mere three Members including myself and a Republican colleague who were denied the opportunity to offer an amendment. On the takings legislation, two Members, at least two Members were denied the opportunity to offer an amendment.

This week the numbers went up dramatically, four on attorney accountability, three on securities litigation. But 60 specific amendments, germane amendments, were not declared in order to be offered, Members cut off from the opportunity to offer them even though we have all afternoon, and now apparently under the answers from the majority leader all of Monday and

Tuesday that could have been allocated, and I am just wondering with reference to the matters that are scheduled for next week, will we have more Members cut off and denied the opportunity to offer an amendment, or do you think it will stay at the current high level?

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. On the recession bill that we will have under consideration next week we are asking Members to preprint the amendment requests. We anticipate that no requests that are made will be rejected.

Mr. BONIOR. If I could just engage my colleague from Texas and my friend from New York, Mr. SOLOMON, the gentleman from New York announced that the Republican leadership is considering a restrictive rule for the rescission bill, a rule which contains a new set of limitations on the amendment process. It seems to us that under these new standards virtually all of the amendments that were offered in the Committee on Appropriations markup would be blocked on the House floor.

Is that pretty much the gentleman's understanding of the rule which is going to be given to us this week?

Mr. SOLOMON. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to the gentleman from New York.

Mr. SOLOMON. The only restrictions on the proposed rule, and we have not made the determination yet, is that on any reinstatement of cuts that appear in the rescission bill, that that would require an offsetting cut. However, if Members were to cut further on those issues that are in the 10 chapters of the bill, they are free to do so. So any of those amendments that were offered in committee can be offered all over again, and hopefully they will be.

Mr. BONIOR. I yield to my friend the gentleman from Missouri.

Mr. VOLKMER. Mr. Speaker, I would like to pursue that for just a minute with the gentleman from New York, because I had drafted an amendment in regard to restoring the funds for the veterans' outpatient clinic, one in my district that was eliminated in this rescission bill, and I would like to get that money back in.

Mr. SOLOMON. I would like to help the gentleman.

Mr. VOLKMER. You could help, if you really want to.

Mr. SOLOMON. I intend to do so.

Mr. VOLKMER. I am willing to offset, you understand. We found the money to offset. The Parliamentarian tells me it does not fit because we are taking money, we are cutting money elsewhere than what is cut in the bill. If I do not cut, deeper that is than cuts that are in the bill, I cannot cut anywhere else even in the same agency.

That is what the gentleman is doing. He is telling me if I want to put the money back for VA I have to take it either out of housing money or someplace else. I cannot cut any further because the committee has already cut the full limits that can be cut in those items. But I cannot go to someplace else and cut and make a cut. The gentleman will not let me do that.

Mr. SOLOMON. It has to be cut by chapter.

Mr. VOLKMER. No, not just chapter, I have to cut within the areas within which the committee already cut. Does the gentleman understand what I am saying?

Mr. SOLOMON. That is correct. Those issues that are in that chapter of the bill.

Mr. VOLKMER. Right. And I cannot cut outside of those if I find money.

Mr. SOLOMON. The gentleman is correct.

Mr. VOLKMER. I cannot cut money someplace else in that chapter, in that agency. I cannot make that cut unless there is already a cut within that in the bill in that specific amount or area.

Mr. SOLOMON. The gentleman is correct.

Mr. VOLKMER. What I am trying to tell my majority whip is they are limiting the amendments by structuring it so we cannot offer amendments unless we make deeper cuts in the programs that we believe in.

Mr. BONIOR. I am aware of that, and that is why I raised the issue with the gentleman on the other side of the aisle. These standards seem arbitrary, and I would hope the gentlemen on the other side of the aisle would reconsider their position before we go to a rule next week.

I yield to my friend the gentleman from Texas.

Mr. DOGGETT. Like the distinguished chairman of the Committee on Rules, I am interested in getting something done about the deficit, and so the one amendment that I am most interested in that the gentleman made general reference to was that of the gentleman from Pennsylvania [Mr. MURTHA], to see that all of the rescissions go to reducing the deficit. Will that amendment be in order here on the floor?

Mr. SOLOMON. If the gentleman will yield, I do not believe so. I think you are going to be legislating in an appropriation bill to do that, and under the rules of the House you are not allowed to. That is why the gentleman from Missouri cannot offer his amendment, because it would be in violation of the rule of the House. We are trying to abide by the rules.

Mr. DOGGETT. Does not the bill as reported legislate on the same matter?

Mr. ARMEY. Mr. Speaker, will the gentleman from Michigan yield?

Mr. BONIOR. I will in just a second. But I think the gentleman from Texas



is absolutely correct. There are things in the bill that legislate on appropriations, and I think my friends recognize that. So if that is the case, it seems to us the point my friend from Texas is making is a valid one, an even more important one given the deficit problem we face and its relationship to the other authorizations.

Mr. DOGGETT. If the gentleman will yield further, only momentarily to say, if I understand the answer, we will be denied any further opportunity to see that the cuts that are being made go to reduce the size of the Federal deficit to ensure they all go there, and that is something that is very important to those of us who believe in pay-as-you-go Government. And I am assuming we will be cut off entirely from the opportunity to see that that happens next week.

Mr. BONIOR. I yield to my friend, the gentleman from Missouri.

Mr. VOLKMER. I would like to inquire of the gentleman from New York as to whether or not this rule that will be forthcoming on the rescission bill will protect the language in the bill that does legislate on an appropriation bill, or is that going to be left alone so that it will be subject to a point of order?

Mr. SOLOMON. If the gentleman will yield, the Rules Committee has not met. We are going to take that into consideration.

I can just say to the gentleman though who wants to offer the additional amendment which would legislate in an appropriation bill, even if the appropriation bill did not follow the rules of the House, we intend to.

Mr. VOLKMER. Well then, what the gentleman is telling me basically is I had hoped that what is good for the goose is going to be good for the gander, and if you are not going to permit further things like I would like to do or the gentleman from Pennsylvania would like to do, the Murtha amendment, et cetera that you are going to also protect other things that are in the bill that were put in committee.

Mr. SOLOMON. I would say to the gentleman, come to the Rules Committee meeting at 10:30 on Tuesday morning and we will be glad to entertain the gentleman's testimony.

Mr. ARMEY. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield to my friend, the gentleman from Texas.

Mr. ARMEY. I appreciate the gentleman from Michigan yielding.

Since, in fact, the Rules Committee does invite the Members to come and give testimony and make requests before the committee before writing the rule, and since, in fact, we can debate the merits of the rule during the debate that there will be time scheduled for, I wonder if the gentleman from Michigan had any more questions about the schedule for next week?

Mr. BONIOR. I have one other question for my distinguished majority leader, and that resolves around the rescission bill itself. The gentleman mentioned that two bills will be considered in the Rules Committee and brought to the floor. Does the gentleman expect these rules to be considered separately?

Mr. ARMEY. If the gentleman will yield, as I pointed out, the Rules Committee has not yet met and decided that.

Mr. BONIOR. May I inquire of the distinguished chairman of the Rules Committee whether his intention is to consider these bills separately or together?

Mr. SOLOMON. If the gentleman will yield, as the distinguished majority leader has said, the Rules Committee has not met, but I will say to the gentleman that there is a probability that we will.

Mr. BONIOR. Let me just mention to my friends, one bill is an emergency bill and one is a nonemergency bill, and as the gentleman will recall vividly from his objections last year, the rules were changed to make it contrary to the new House rules to have these bills considered together and combined. So I hope we will stay with the rules and standards which you established for us during the last Congress and have implemented in the rules of this Congress.

Mr. WISE. Mr. Speaker, will the gentleman yield?

Mr. BONIOR. I yield finally to any friend, the gentleman from West Virginia.

Mr. WISE. Mr. Majority Leader, if I could engage you for a moment, I want to point out to the majority leader that last week you and I had a colloquy. The gentleman observed that it was in our best interest to put me at home with my family as opposed to having me on the floor, and you know we agree on that, and I want to thank the gentleman.

I was speaking with the gentleman from Indiana [Mr. ROEMER] as we went off the floor and I said see, just 1 week later and we have 3 days that we will be able to be with our families, so we thank the gentleman for that.

I would note, with my tongue just a little bit in my cheek, that this may bring out something that we have been trying to say all along, that when you remove items of the contract from consideration, like the term limits bill, that not bringing something up under the contract might truly be construed as family friendly.

Mr. BONIOR. I yield to the gentleman from Missouri.

Mr. VOLKMER. I would just like to take up one other little matter with the floor leader, and just bring it to his attention, and I hope that in the future maybe we can work out a little bit better utilization of time than we have been.

This morning we had a limit of 10 1-minutes on each side. At the time we had a number, quite a few more here that wanted to make 1-minutes, including yours truly, and I do not know, there were other Members of your party here also, but I do not know how many wanted to do 1-minutes. I did not go ask them.

□ 1300

But we are here now at 1 o'clock and everything, and I would hope that in the future Members would be able to give them. I appreciate it if the majority leader would recognize that this is an opportunity that many Members think is very worthwhile, to express themselves on an issue, and that by reducing that time unnecessarily it appears to some of us that you just do not want to hear us on the floor of the House, and I hope that that is not so. I would hope that, come like Monday, and Tuesday, there should not be any limit at all; come Wednesday, that we could have sufficient—at least 15 on each side, and then Thursday we will leave it up to you because you want to get out, and we all want to get out at 3 o'clock. But I would hope that we can have a little more favorable view of these 1-minutes.

Mr. ARMEY. Mr. Speaker, if the gentleman would yield?

Mr. BONIOR. I yield to the gentleman from Texas.

Mr. ARMEY. I would say to the gentleman from Missouri [Mr. VOLKMER] that I would look forward to listening to him speak for as long as he wants. I am sure he could have a 1-hour prime time special order on Monday, and, if the gentleman takes that special order, I am sure I will find some time to listen to some part of it.

Mr. VOLKMER. Well, I am not looking for the 1 hour for myself. I am looking for other Members that have been over here that have speeches ready to go and cannot give them because we have an artificial barrier of limiting the 1-minutes when some feel that it really is not necessary to limit it on certain days, and I would hope that the floor leader—I am not asking for an answer right now, but I hope he looks at it for the future and tries to assess it a little bit different.

Mr. ARMEY. Mr. Speaker, if the gentleman will yield, we plan for a 3 o'clock departure for today. We had a couple of amendments withdrawn. We had a couple of others that were accepted, and we got a bonus because of the working relationship of the majority and minority Members on the floor, and, yes, it turns out, given that circumstance, that our need was not as we had thought it was, and I thank the gentleman for his point.

Mr. BONIOR. Mr. Speaker, I wish the majority leader a very pleasant and happy weekend.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from Michigan [Mr. BONIOR].

The SPEAKER pro tempore (Mr. WICKER). The Chair would point out that additional 1-minute speeches are in order at this time.

#### 

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, March 13, 1995, it adjourn to meet at 12:30 p.m., on Tuesday, March 14, for morning hour debates.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### 

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### 

Mr. ARMEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### 

Mr. ARMEY. Mr. Speaker, I send to the desk a resolution (H. Res. 113) providing for the transfer of certain employee positions and ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

#### 

*Resolved*, That (a)(1) the two statutory positions specified in paragraph (2) are transferred from the House Republican Conference to the majority leader.

(2) The positions referred to in paragraph (1) are—

(A) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202; and

(B) the position established by section 102(a)(2) of the Legislative Branch Appropriations Act, 1990.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the majority leader to the House Republican Conference.

(2) The positions referred to in paragraph (1) are—

(A) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3); and

(B) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995.

SEC. 2. (a)(1) The two statutory positions specified in paragraph (2) are transferred from the Democratic Steering and Policy Committee to the minority leader.

(2) The positions referred to in paragraph (1) are—

(A) one of the two positions established by section 103(a)(1) of the Legislative Branch Appropriations Act, 1986; and

(B) the position established by section 102(a)(1) of the Legislative Branch Appropriations Act, 1988, as contained in section 101(i) of Public Law 100-202.

(b)(1) The two statutory positions specified in paragraph (2) are transferred from the minority leader to the Democratic Steering and Policy Committee.

(2) The positions referred to in paragraph (1) are—

(A) the position established by section 102(a)(3) of the Legislative Branch Appropriations Act, 1990; and

(B) the position established by paragraph 2. (a) of House Resolution 690, Eighty-ninth Congress, agreed to January 26, 1966, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

SEC. 3. (a) Upon the enactment of this section into permanent law, the amendment made by subsection (b) shall take effect.

(b) Subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3) is amended by striking out "Chief majority whip" and inserting in lieu thereof "chief deputy majority whip".

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### 

(Mr. SOLOMON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOLOMON. Mr. Speaker, I rise to announce the Committee on Rules' plans for the welfare reform bill. For the information of the Members, the Committee on Ways and Means bill is H.R. 1157, the Committee on Economic Opportunity's bill is H.R. 999, and the Committee on Agriculture bill is H.R. 1135. It is the intention of the commit-

tee to make in order a new text reflecting the reported versions of the three major committees of jurisdiction. This text will be introduced as a new bill on Monday, March 13, that is this coming Monday, for draft and inspection purposes. Copies of the new bill can be obtained from the majority offices of the three committees that have reported this legislation around 3 p.m. on Monday, even though the House may have adjourned by that time.

The Committee on Rules plans to meet late next week to grant a rule to provide for consideration of the welfare reform package.

The committee is contemplating a rule which would restrict the offering of amendments. Any Member contemplating an amendment should submit 55 copies of the amendment and a brief explanation to the Rules Committee no later than 5 p.m. Wednesday, March 15. Substitutes and free-standing amendments may be filed. No second-degree amendments will be allowed.

Members should use the Office of Legislative Counsel to ensure that their amendments are properly drafted and should check with the Office of the Parliamentarian to be certain their amendments comply with the Rules of the House.

Mr. VOLKMER. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Missouri.

Mr. VOLKMER. On this bill, Mr. Speaker, it is necessary for Members to expect to appear before the Committee on Rules and to furnish the Committee on Rules with copies of the amendments and not just print them in the RECORD?

Mr. SOLOMON. That is correct. The gentleman is correct.

Mr. VOLKMER. I am glad to know that.

Mr. SOLOMON. I thank the gentleman for reminding the membership.

#### 

(Mr. DORNAN asked and was given permission to address the House for 1 minute.)

Mr. DORNAN. Mr. Speaker, today I am first up for a 1-hour special order, and it is one that I have been trying to do before my fellow Members in this esteemed body and that growing audience of 1,300,000 caring Americans across the country through the courtesy of C-SPAN, and it is going to be on the Battle of the Bulge. Fortunately, I was able to get over to Europe in December with the Secretary of the Army, and I was a little bit saddened that no Member of the other Chamber, of the United States Senate, or any other Member of the House was able to get over there on December 16, which was the beginning of the last major



Army offensive move in the West of the war, and it took the lives of between 16,000 Americans killed in action, to 19,000, depending on when one determines what was the cutoff of this offensive, and it was fought in the dead of winter, under snow cover, and I hope that people will turn off O.J. Simpson's trial and watch this special order.

Mr. Speaker, this is what America is all about, remembering those who gave their lives for our freedom.

#### MOURNING THE PASSING OF JUDGE JAMES B. McMILLAN

(Mr. WATT of North Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WATT of North Carolina. Mr. Speaker, Judge James B. McMillan, a North Carolina stalwart, died Saturday, March 4. Judge McMillan lived just outside my district, but he had a tremendous impact on children in my district. I rise today in tribute to this great man.

Judge James McMillan will always be remembered for his courageous, and right, court decision which ordered the desegregation of Charlotte-Mecklenburg Schools. This ruling forced a reluctant school system to move into the future. He did this despite the repeated threats to his life and his family, and the subsequent FBI protection that the McMillan family had to live with for years.

Judge McMillan should be remembered for his courage and for the impact he had on Charlotte-Mecklenburg and North Carolina. Today, the Charlotte-Mecklenburg schools are still among the Nation's most integrated schools. Charlotte, as a result, is viewed as a shining symbol of the South.

Because of Judge McMillan, North Carolina's children in 1970 received what they so rarely got: justice. Today's children receive the benefit of his wisdom, and live with more hope and opportunity. We mourn the passing of Judge James B. McMillan.

#### REPUBLICAN TAX PLAN FOR AMERICA'S CORPORATIONS

(Mr. MILLER of California asked and was given permission to address the House for 1 minute.)

Mr. MILLER of California. Mr. Speaker, the Republican tax plan announced yesterday takes us back to the days of yesteryear, when 130 of the 250 largest corporations in America paid no income taxes in spite of having profits of \$72 billion prior to 1986; 130 of these corporations paid no taxes in 1 or more years.

The Republicans are repealing the alternative minimum tax for corporations and, once again, these corporations will not have an obligation to the

people of this country. As they shift the jobs overseas, they will pay no taxes in America.

Prior to 1986, Burlington Industries paid no taxes in 2 out of 4 years; Burlington Northern, 2 out of 4 years; Adolph Coors, 1 out of 5 years; Lockheed, 4 out of 5 years; Mitchell Energy, 4 out of 5 years; General Dynamics, 4 out of 5 years; the Grumman Corp., 4 out of 5 years paid no taxes, yet they earned \$72 billion.

Do Members want to know why middle-income taxpayers are paying more taxes? Because the Republicans are going to let the American corporations off the hook for over \$13 billion in taxes.

130 companies that beat the tax system in at least 1 year between 1981 and 1985

[Out of a sample of 250 corporations]

Company	Number of no-tax years
Aetna Life & Casualty	1
Air Products and Chemicals	1
American Cyanamid Co.	3
American Standard	2
AMP	1
Anheuser-Busch	1
Archer Daniels Midland Co.	1
Armstrong World Industries	1
Ashland Oil	3
AT&T	2
AZP Group (Arizona Pub. Serv.)	1
Bankers Trust	3
Barnett Banks of Florida	1
Baxter Travenol Laboratories	1
Boeing Co.	4
Borden	1
Burlington Industries	2
Burlington Northern	2
Carolina Power & Light Co.	2
Carpenter Technology Corp.	1
Centex Corp.	3
Central and South West Corp.	2
Champion International Corp.	3
Citizens and Southern Ga. Corp.	2
Cleveland Electric Illum. Co.	1
Combined International Corp.	1
Comerica	4
Commonwealth Edison Co.	1
Continental Telecom	1
Coors (Adolph) Co.	1
Corning Glass Works	2
CSX Corp.	2
Cubic Corp.	1
Dun & Bradstreet Corp.	2
DuPont	3
Englehard Corp.	2
Federal Paper Board Co.	3
First Executive Corp.	2
First Interstate Bancorp	2
First Union Corp.	1
Foster Wheeler Corp.	1
FPL Group (Fla. Power & Light)	1
General Dynamics	4
General Electric	3
General Mills	3
General Public Utilities Corp.	1
Georgia-Pacific Corp.	2
Goodyear Tire & Rubber Co.	1
Grace (W.R.) & Co.	2
Great Northern Nekoosa	3
Greyhound Corp.	5
Grumman Corp.	4
Gulf States Utilities Co.	1
Gulf+Western Industries	1
Harris Bankcorp	1
Harris Corp.	2
Harsco Corp.	1
Hewlett-Packard Co.	1

Company	Number of no-tax years
HNG InterNorth	1
Hormel (Geo. A.) & Co.	1
Household International	1
Houston Industries	1
IC Industries	1
Illinois Power Co.	1
International Multifoods	2
International Paper Co.	4
Internat'l Minerals & Chemical	2
Jim Walter Corp.	2
Leaseway Transportation Corp.	2
Lockheed Corp.	4
MAPCO	1
Martin Marietta Corp.	2
McDonnell Douglas Corp.	1
Media General	1
Mellon Bank Corp.	1
Middle South Utilities	4
Mitchell Energy & Dev. Corp.	4
Mobil Corp.	1
Morgan (J.P.) & Co.	1
M/A-COM	2
Niagara Mohawk Power Corp.	2
Northern Indiana PSC	2
Northern States Power Co.	2
Northrop Corp.	2
Ohio Edison Co.	2
Overseas Shipholding Group	2
Owens-Corning Fiberglas Corp.	1
Owens-Illinois	1
Pacific Gas and Electric Co.	1
Pacific Lighting Corp.	2
PacificCorp (Pac. Power & Light)	1
Panhandle Eastern Corp.	4
Pennsylvania Power & Light Co.	2
Pennzoil Co.	1
Pepsico	3
Philadelphia Electric Co.	2
Phillips Petroleum Co.	1
Piedmont Aviation	2
Pittway Corp.	1
Prime Computer	1
RCA	2
Rockwell International	1
Rohm and Haas	1
Santa Fe South'n Pacific Corp.	2
SCM Corp.	1
Scott Paper Co.	2
Sears, Roebuck & Co.	1
Singer Co.	3
Southeast Banking Corp.	2
Southern California Edison Co.	1
Southwest Airlines Co.	2
Sperry Corp.	1
Sun Chemical Corp.	2
Sundstrand Corp.	2
Tektronix	2
Tenneco	2
Texaco	3
Transamerica Corp.	4
Tribune Co.	2
TRW	1
Tyson Foods	3
Union Camp Corp.	4
Union Electric	2
Unocal Corp.	1
USG Corp. (U.S. Gypsum)	1
U.S. Bancorp	3
Westinghouse Electric Corp.	2
Westvaco Corp.	1
Weyerhaeuser Co.	2
Xerox	3

#### TOTALS

Number of companies paying zero or less in taxes in at least one year, 1981-1985—130 out of 250 companies.

Profits in the no-tax years—\$72.9 billion.  
Total tax rebates in the no-tax years—\$6.1 billion.

Average tax rate in the no-tax years—8.3 percent.

#### SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, and under a previous order

of the House, the following Members will be recognized for 5 minutes each.

#### CLOUD OF WRONGDOING COVERING THIS HOUSE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Missouri [Mr. VOLKMER] is recognized for 5 minutes.

Mr. VOLKMER. Mr. Speaker, Members of the House, the majority party took great pains to celebrate the 50th day of their Contract on America when only one piece of legislation had become law to this date. Only one piece of legislation has become law, and that is one we all agreed to. We, as Democrats, passed it last year, and it got bottled up over in the Senate.

Mr. Speaker, I would like to know where the celebration is today to mark the 50 days. Yes, it is a different 50 days. What happened 50 days ago today? Does anybody know?

Nobody knows here.

Well, I can tell my colleagues what happened 50 days ago. The ethics committee was appointed. What has happened since? Where is the press conference for today? Where is a press conference? Where is the majority party having their big celebration?

Mr. Speaker, I ask because no investigation has begun of all the ethics charges brought against the Speaker, and I think they would be out celebrating. I am sure the majority party will want to celebrate this 50th day as well and announce that no investigations are under way. Mr. Speaker, no special counsel has been named, despite the fact the complaints keep stacking up one after the other.

I can see the headlines now. We, Mr. Speaker, have been successful in stonewalling for 50 days, and we feel confident, Mr. Speaker, in continuing to stonewall for the next 50 days. Perhaps the Speaker believes that the ethics complaints are like constitutional rights, to say what you want on the floor, anything you want, but there are different rules for him.

As my colleagues know, we have seen this huge cloud that has grown over this House of Representatives, the House of Representatives that I love so well, that many of us feel is a bastion of democracy, and this cloud of wrongdoing is covering this House, and yet no action is being taken to take this cloud away, to say, "No, we should try to do something about this. We should have an investigation. We should have an independent counsel. Let the chips fall where they may. If the Member is innocent, so be it. If he is guilty, so be it."

But why are we stonewalling? It is 50 days since the ethics committee has been appointed, and not one action has been taken in that 50 days. Why not?

Well, I suggest to some of the Members to look and see who got appointed

to that ethics committee. I suggest they look and see what has happened as a result of those appointments and who got appointed.

□ 1315

You know, it is interesting to me, I would like to ask other Members, maybe some can tell me the answer, which Member of Congress says he has a constitutional right to speak on the floor on any given subject, but no other Member has that right? Which Member says that publicly? Now, which Member of Congress said a year ago, "If you are innocent, why not appoint an Independent Counsel and clear your name?"

Well, our Speaker said that a year ago in regard to the Whitewater investigation. But he does not want it applied to him. I think that all laws, all rules, should apply to all Members equally, and that what is good for the goose should be good for the gander, and I am asking that the Committee on Ethics proceed with appointing an independent counsel to remove this cloud of darkness that permeates this House, and do it right away.

#### PROBLEMS WITH COMMON SENSE LEGAL REFORM ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from West Virginia [Mr. WISE] is recognized for 5 minutes.

Mr. WISE. Mr. Speaker, the reason that I am opposing what is billed as the Common Sense Legal Reform Act or Tort Reform Act is not because I am opposed to all tort reform. I am not. I think what most people want is they want to see the courts that are clogged have that ended. They want to discourage frivolous lawsuits. In some cases they want to limit what they see as unfair recoveries and perhaps unfair attorney fees. They want to see the end to the occasional sensational judgment you read about.

The fact of the matter is this legislation this Congress has been considering does not do any of that, and it will not guarantee to any working West Virginian, any middle or low-income West Virginian, any lower insurance rate. It will not guarantee any better health care. It will not do that.

But what it will do besides is, it is going to say to the average West Virginian that you are not going to get any lower insurance rates, you are not going to get any lower health care rates, but you are going to have a lot harder time going to court when you have a legitimate grievance you need to litigate.

I wanted to be able to support the product liability, the securities limitation, and even in some cases the attorney's accountability act, but I cannot do it, for instance, when they completely change the way that there is compensation for the victim. I cannot

do it, for instance, when they overrule 200 years of common law in this country to say that now the loser will pay. That has never been a concept in our society. Instead of a contingency fee, the loser pays.

I cannot do it, for instance, when punitive damages are limited so strictly that that working family that is hit by a drunk driver on Route 9 in the eastern panhandle is sharply limited in the punitive damages they can recover, or the victim who has had their lives ruined by a sexual predator is limited strictly in the amount of punitive damages that they can recover.

What happened to the States rights that are so important, and indeed we hear so much about in this body today? What happened to that concept of States rights, when the Federal Government now moves in and says the State of West Virginia does not have the right to protect its citizens the same way it used to? And perhaps the State of West Virginia differs from Tennessee, California, or whatever. This litigation does nothing to stop frivolous lawsuits. This litigation does nothing to stop that attorney that many people worry about maybe filing suit after suit after suit in hopes of hitting the litigation lottery. In fact, there are existing sanctions you can already use on attorneys in the Rules of Civil Procedure. Indeed, there are means by which you can file counterclaims for attorneys fees if you think the other side is acting improperly. But this legislation does not do this.

There is no evidence that this legislation will lower anybody's insurance rates. In fact, there was an amendment defeated that would have made it possible for people to go and find out exactly what the impact of this legislation would be on insurance.

This legislation even added an amendment that limits pain and suffering, so-called noneconomic damages, to \$250,000 total. That may sound like a lot, unless you are the 20-year-old who is made a quadriplegic and live out the next 40 or 50 years with pain and suffering, for which you are going to receive an average of about \$5,000 or \$10,000 a year.

This legislation does not help accountants. That is one of the groups I was hoping in the securities litigation it would help. In fact, the bill that passed was even worse than last year's bill, which was a compromise version.

So, Mr. Speaker, I am going to wait until the Senate acts. This legislation goes to the Senate. I believe it will be tempered there. It is my hope it will be, it will come back, and then we will evaluate again. This is a case of reaching too far. There was a chance to get significant liability reform, product liability reform, but that did not happen.

I want to talk for just a second about the loser-pays provision. What that



means is for the average West Virginia couple, the average West Virginian low- or middle-income person who has a serious litigation claim, whether it is personal injury, product liability, whatever it is, when they go to court, when they go to see their lawyer, the lawyer will say, "I have to tell you even if you have a meritorious case, there is an excellent chance if a jury comes back against you, just by the thinnest of margins, you are going to end up paying the fees of the other side." You are going to end up paying the fees of the insurance company that is defending against you. That is quite a deterrent.

I want to speak for just a second about the securities litigation bill. That is one I thought I could vote for, but it, too, had the loser-pays provision in there. That is anathema to any serious tort reform. It also requires the plaintiff, the person filing the suit, the person alleging being defrauded, that they have to show intent by the securities firm. Not just recklessness, they have to show intent, which is an impossible standard. It does not separate accountants, as indeed we hoped it would, and indeed it keeps the loser pays.

Mr. Speaker, for all of those reasons, I oppose this legislation.

#### THE SYSTEMATIC ASSAULT ON CHILDREN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MILLER] is recognized for 5 minutes.

Mr. MILLER of California. Mr. Speaker, earlier this morning in the 1-minutes, several Members of the Republican Party came down and asked why Democrats were saying they are so harsh on children and why this would be true when in fact they have not hurt children at all in the rescissions and the budget cuts that they have already made and in the welfare bills and the nutrition bills that are coming to this House in the next couple of weeks.

The fact is when we analyze the Republicans' welfare bill, the Republicans' rescission bill, the Republicans' nutrition and school lunch bill, the Republicans' child care bill, and what we see is a systematic assault on children, and especially poor children in this Nation.

In the rescission bill that will be coming to the floor of the House next week, \$25 million has been cut by the Republicans for the Women, Infants and Children Program. This means about 100,000 pregnant women and newborn infants will not be served this fiscal year.

These are women and newborn infants who have been medically certified to be at high risk of having a pregnancy that is not normal or pregnancy that might not be carried to term or the birth of an infant that will

be low birth weight and run a much, much higher risk of needing all kinds of intensive medical care at the time of birth.

These are some of the most expensive babies born in America today. And yet for a few dollars a week with the Women, Infants and Children Program, we can dramatically reverse these pregnancies and the birth weight of the newborn infants and their lives there ever after. Because some 40 percent of these low birth weight babies with the complications that many of them encounter at that time come back to us in the need of special education, of therapies and other programs to help them. But this is preventable with the Women, Infants and Children Program. Yet at the earliest stages of life, when children are struggling to thrive and survive, when women are struggling to provide a normal pregnancy, a full-term pregnancy, resulting in a healthy baby, we see \$25 million taken out of this bipartisan program that has received universal praise and success in every study conducted. Whether in the universities, whether by government, whether by foundations, all of them praise the success in changing the outcome of these pregnancies.

When you consider in this country that 60 percent of all of the pregnancies in this country are unwanted, unintended, and that half of those are resolved by abortion, and now we put into the equation the likelihood of giving birth to a low birth weight baby with all of these complications, we create much more trauma around birth and the expectation of the birth of a child than there should be for these families. But the Republican budget cuts this program.

In the new nutrition program, \$7 billion cut from what it would take to maintain the children currently on the program in the next 5 years. In my district, the Mount Diablo School District, that is about half a million dollars. Fewer lunches for fewer children or smaller lunches. The Richmond School District, the same kind of choices. The State of California, \$1 billion in nutrition that goes to low-income working families and to poor families to feed their children.

The Food Stamp Program, same families, yet getting another cut, trying to provide nutrition for their children. The day care feeding program, family day care, where working parents leave their children for the hours they are at work, the nutrition program is being cut, raising the price of day care \$15 a week, maybe \$60 a month for people who are not working for all that high wages, trying to provide child care for their children.

The fact we see drug-free schools, programs started by Nancy Reagan, she was in town this last week testifying about the drug activity, and yet that program is being cut.

Summer youth employment: The greatest determinant of keeping children out of problems when they are adolescents and young people is to provide them employment, job experience, work experience. Half of the money for this program in most communities is put up by the private sector. That program is being zeroed out.

So you can see why the Republicans are so nervous about being anti-child, because on the facts, on the language of their bills, on the numbers of their cuts, and the impact on these programs, children are going to be hurt. This is not an abstract notion, ladies and gentlemen; these are the facts of the bills that will be coming to the floor this next week.

#### THE GREATEST BATTLE OF WORLD WAR II

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Mr. Speaker, as I said a few moments ago in my 1-minute speech, I would be spending the better part of this next hour on America's most costly battle, the one that Winston Churchill said was the greatest battle in American history, the campaign in the Ardennes Forest of Europe. Churchill was correct. If we go by "killed in action and wounded in action," his words were true. His exact words were, "This is undoubtedly the greatest battle of the war, and will, I believe, be regarded as an ever famous American victory."

Before I do that, it is my desire, Mr. Speaker, to read slowly an article from the Washington Post on Wednesday that I believe is the great moral battle of our time. The unending death total of almost 4,500 Americans in their mother's wombs every single day. Still, a million and a half abortions every year. It is a death toll that is way past 30 million just since the Roe versus Wade decision, one of the most evil decisions by a court in all of recorded history, a decision based on a total lie.

Norma McCovey, who was named Jane Roe as her nom de guerre, her war title, war against the preborn, never did have an abortion. She tried to kill all three of her daughters that are still estranged from her. They are all in their middle twenties to early thirties now, and they are all saying when their mother is willing to apologize for having tried to kill them then they will reconcile with her.

She is on the road, not a very high IQ lady, on the road for Planned Parenthood and NARAL and other ferociously pro-abortion groups. And she is a sad figure, because she never was raped. And the whole case in Texas by a very poorly prepared attorney general of

Texas was based on a lie. She never was raped, I repeat, never did abort one of her three pregnancies. The three daughters live to this day. And on that lie, we did something as loathsome as keeping about four million Americans enslaved, Americans of African heritage, right up through the bloodiest conflict that America has ever known, 618,000 dead from all the American States on both sides, in a Nation that, including the non-free Americans, was only about 37 or 38 million people. And we killed off in their child bearing years through disease and combat, combat far less than those that died of diseases, 618,000 Americans. And here we are doubling that total every year with abortion alone.

□ 1330

This article is by a friend of mine who is an excellent actor. You can see him doing many commercials in any given year. He is a good character actor, but beyond that he teaches law at Pepperdine and he is an excellent philosopher, an observant individual, Benjamin J. Stein. And here is what he writes in Wednesday's Washington Post, one of America's three big liberal papers of record. The title of Ben's article is "Deep Sixed by the GOP."

"A bureaucrat is a Democrat who has a job that a Republican wants." So said Eleanor Roosevelt in 1946 when she was helping to campaign against the Republican tide in Congress. It didn't help, but it made a valid point. There's no particular pride in coining phrases and slogans and in posturing after moral superiority if all you really want is a job," that someone else has, "and the pose of moral superiority is your pitch."

"This comes to mind because of a recent spate of back pedaling among Republicans about the right-to-life issue. From what I hear," says Ben Stein, "it's coming from across the board, in Congress and elsewhere," across our land, "and there is not a single GOP Presidential hopeful at this point who is in favor of a right-to-life amendment to the Constitution or of repealing Roe versus Wade in any way."

I might put in an important footnote at that point, Mr. Speaker. This Member, who aspires to the greatest office in this land or any other, I not only have a right-to-life amendment, and have had in every one of nine Congresses that I have been here, but I have always been for repealing Roe versus Wade, a repeal of the Supreme Court decision of infamous and heinous ill repute that was based on a lie.

And the lawyer, Sarah Weddington of Texas, knew it was a lie and told her client Norma McCovey, Jane Roe, to continue lying. She wasn't raped and has never been subjected to an abortion.

Back to Ben Stein. Now to some of us, abortion is the preeminent moral

issue of the century. It's not a medical procedure of moral neutrality. It's not a sad duty that conflicted mothers sometimes have to do. It's the immoral taking of a life, not very different from homicide.

"Since it's done by doctors and by mothers, it's particularly hypocritical since it's the taking of totally helpless life, it's the breaking of the most sacred trust imaginable—the implicit pledge by parents to take care of their children, or at least not to murder them.

"Stopping this riot of immorality is not just another issue like how many pages of regulations there should be on handling chicken by-products. It's not an issue about which learned people differ—but none considers either position immoral—like the balanced budget amendment. It's the bedrock test for many of us of whether we can consider ourselves a moral people. It's as vital for our time as abolitionism was for the America of a century and a half ago. From it flow all other considerations of how much importance we place on human life.

"Obviously, not everyone agrees with us about this issue. There are some politicians, like Barbara Boxer and Diane Feinstein," both of California, "who have always opposed right to life and tried to make the case for abortion. That's not fine, but at least it's understandable. There is some consistency there, and although it's consistency for a wicked principle, it's understandable.

"What's more troublesome right now is this screaming fact: The Republicans ran under the right-to-life banner. They gave money to right-to-life to turn out the pro-life vote. They got a stunningly high percentage of the right-to-life vote."

I might add another footnote here. Given the preponderance of people of my heritage in the other party, and a similar heritage to an Irish heritage, that of Italian-American ancestry, Polish-American ancestry, Lithuanian-American ancestry, French-American ancestry, there is a strong representation still of what we loosely call in politics, blue collar or Reagan Democrats in the other party. And they came over to the Republican vote on November 8, 1994, in more massive numbers than they ever had before, even in larger numbers than they did to elect Ronald Reagan in 1980 and 1984.

So it is fair to say we got a stunningly high percentage of the right-to-life vote, particularly thanks to the former Governor of Pennsylvania, Robert Casey, a large number of Democrat right-to-life voters.

"It's not an exaggeration to say the right-to-life vote put the Republicans in power in Congress," in this 104th Congress.

"Seemingly, now that the GOP is in the jobs that the Democrats had, the

right-to-life voters can be safely cast aside. ('Where else do they have to go?' as a Republican strategist here said to me. 'We aren't going to lose them to Hillary Clinton.')

"There will be some minimal bows to not using taxpayer money to pay for abortions, but the Federal Government will not use its power to hinder privately paid abortions. (Even though the Federal Government pokes its snout into the nongovernment sector minute by minute, person-by-person all across America.)

"The notion here, as I," Ben Stein, "keep reading, is that abortion is a divisive issue, the kind of issue that gets people angry, that splits the party and that loses elections if it's pressed.

"Or, to put it another way, maybe abortion is the kind of issue that prevents a Republican from getting a job that a Democrat has." There is that Eleanor Roosevelt quote again. "But wait a minute: If it's true that the GOP ran on a pose of moral superiority, got elected on that pose and is now going to deep six the issue it posed on so as to go on to further electoral triumphs, don't we have a word for that? Isn't the word hypocrisy. Isn't it the most painful kind of hypocrisy—hypocrisy about a moral issue that keeps people up at night, that makes people go to jail for what they believe?

And I know my friend Ben is speaking here of people who demonstrate peacefully or at least nonviolently; not the two assassins or the midnight cowardly bomber. He is speaking about nuns and priests and ministers and rabbis and humble mothers and young kids who put it on the line before we tried to restrict the peaceful right to assemble or the freedom of speech of this one—this one human and civil rights movement in the 216-year history of our country.

Only the pro-life movement is subjected to this bullying that used to go on in this Chamber and that I do believe came to a screeching halt November 8.

Back to Ben Stein's closing two paragraphs: "Somehow, I don't think that all of the cutting of the budget, reduction of taxes and building up of the military will wipe away the stain. The GOP has seemingly just used the most morally sensitive issue of the century as a ploy to get votes. When it looks as if the issue might lose an election, even if the pledges were unequivocal, the issue and the faithful get dumped. It's frighteningly cynical.

"But now we know. Get the votes and run. A bureaucrat is a Democrat who has a job that a Republican wants. That, apparently, is the bottom line."

Signature by Benjamin J. Stein, a writer and actor in Los Angeles, a teacher of law at Pepperdine University.

Well, I would hope that my party will show more courage and more principle



than what Mr. Stein suspects here, Mr. Speaker. And after we have our first pro-life debate and our pro-life vote, after the largest number of Roman Catholics to ever serve in this body waive the scriptural admonition, what does it profit a person to gain the whole world and lose their immortal soul, that some Roman Catholics who regularly vote for abortion here, that they will come home to their Christian faith and they will realize that they can be in the majority now. An easy call. That they can just give us a supermajority on stopping this unbelievable death toll of abortion in our fair, beautiful land, and that they will have a chance to reconcile themselves with their faith. That they no longer have to posture that they know more than Mother Teresa, more than the Pope in Rome, more than every bishop in this country—no matter how flaky they are on liberalism or how flaky they are on homosexuality—every bishop in this country and most Protestant bishops, all Jewish rabbis of orthodox faith closest to the land of the book that we all call the holy land, that maybe there will be a reconciliation and a coming home before that first vote before people lock themselves into what is, to quote Ben, a screaming denial of decency and a denial of their faith. Let's see what happens in the 104th Congress.

Now, I have been joined by a friend of mine who can almost ask me anything. But I was now about to spend the rest of this hour on the Battle of the Bulge. This man has probably seen more combat, given the retirement rate, than anybody in this Chamber; has shot down five of the enemy's best MIG fighters and was shot down himself in the process and plucked out of the sea by rescue forces before the enemy had a chance to torture him. And this is the kind of guy I think they would have preferred to torture to death, rather than let him come home and run for Congress, DUKE CUNNINGHAM.

And my dear colleague, I see a note from you that you want to take from my ration on the Battle of the Bulge 5 minutes for what subject?

Mr. CUNNINGHAM. Children's Nutrition Program.

Mr. DORNAN. Children alive today who are alive because of those heroes at the Battle of the Bulge and the drive across the Rhine which started 50 years ago on the 7th of March, a few days ago.

I was also going to mention that this is day 20 of the 36 days of our Marine Corps taking their worst casualties ever, almost 6,800 others dying on the island of Iwo Jima. They had reached the north shore yesterday and they still had 16 vicious days to go.

I will tell you what I will do. Children's nutrition is so important, and you are an expert, let me set the scene for my words on the Battle of the

Bulge by telling everybody what happened 50 years ago today, DUKE, and then I will give you those 5 minutes carved right out of the middle of what I hope is commanding the attention of people.

DUKE, what I said in the 1-minute, and I meant to say at the beginning of this, I am begging anybody listening to the sound of my voice and to this distinguished Chamber and we have got—I can't identify them by name, but we have about, look at that, 250, make 300 young Americans, generation-X folks chasing the baby-boomers into what I hope will be a successful life for every one of them.

I am begging them, anybody listening, to call a friend, a friend that may be watching the O.J. Simpson trial—an athletic hero gone sour, but never was asked to lay his life on the line for his country, as you were and as I offered to do in peacetime as a combat-ready, trained fighter pilot.

Call a friend, tell them to take a break from the O.J. Simpson trial. Turn on C-SPAN and watch what you have to say on child nutrition and watch what I have to say about the heroes of Iwo Jima, the crossing of the Rhine, and the ones that I just didn't get an opportunity to talk about with our reorganization and rebirth of the American revolution here the last couple of months, what I learned in Europe in December last, this last Christmas week, about the Battle of the Bulge.

But let me set the scene and then I will yield to you, Mr. CUNNINGHAM. March 10, 1945, 50 years ago today—I am going to set the scene:

I have here the words of the 40th President of the United States, Ronald Reagan. And this is why I am doing this. Ronald Reagan, in his goodbye speech as President of the United States, 8 wonderful years, 9 days before George Bush was sworn in as our 41st President, President Reagan on all three major networks and CNN said goodbye to his fellow countrymen.

It is a beautiful speech, truly beautiful. I have put it into the RECORD several times. But at the end of his speech, in the last few paragraphs, he asked us to reflect upon the importance of the history of our great and fair land.

He said, and these are his exact words: "We've got to teach history based not on what's in fashion, but on what's important—why the Pilgrims came here, who Jimmy Doolittle was, and what those 30 seconds over Tokyo meant. You know, 4 years ago, on the 40th anniversary of D-day," this is the 51st anniversary coming up, "I read a letter from a young woman writing to her late father, who'd fought on Omaha Beach. Her name was Lisa Zanatta Henn, and she said, 'We will always remember, we will never forget what the boys of Normandy did.'"

President Reagan goes on to talk about helping her keep her word and he

closes his goodbye to the country this way. "Let me offer lesson number one about America: All great change in America begins at the dinner table. So, tomorrow night in the kitchen I hope the talking begins. And children, if your parents haven't been teaching you what it means to be an American, let 'em know and nail 'em on it. That would be a very American thing to do."

He goes on to talk about what he meant about "a shining city upon a hill," talks about the early Pilgrims, early freedom men, referring back to the stirring moments in his early speech where he recounted a favorite story of his of Vietnamese boat people seeking freedom, people we had betrayed and left behind in Vietnam to the cruel tortures and executions of their Communist masters from Hanoi, the conquerors who still rule there.

And this young Vietnamese boy, now an American citizen somewhere in the country, maybe listening to my voice right this afternoon, he yelled up at one of our rescue ships, "Hello," to this young sailor, "hello, freedom man."

So President Reagan is referring back to his beautiful freedom man story and he talks about what his vision of an American city on a hill is. And then he says about himself, "We've done our part. And as I walk off into the city streets, a final word to the men and women of the Reagan revolution, the men and women across America who for 8 years did the work that brought America back. My friends: We did it. We weren't just marking time. We made a difference. We made the cities stronger, we made the city freer, and we left her in good hands. All in all, not bad, not bad at all."

"And so goodbye, God bless you and God bless the United States of America."

That was 9:02 p.m. from the Oval Office, January 11, 1989. Remember those words: Children, if your parents haven't been teaching you what it means to be an American, let 'em know. Nail 'em on it. That would be a very American thing to do at your kitchen table.

Now, set the scene. March 10, 50 years ago. The allies complete the Rhineland campaign, on the west side of Europe's greatest river, the Rhine. The American 1st Army, 3rd Army, 9th Army, and the Canadian 1st Army are lined up across a 140-mile stretch of the Rhine.

Within a few days from now, General Patton is across the Rhine. A few more days after that, at the end of March, General Alexander Patch is across the Rhine. But at this moment, 50 years ago, it was day 3 of the Remagen bridgehead crossing at the Ludendorf Bridge. A 2-month offensive leading up to this crossing of the Rhine had cost us 63,000 Allied casualties.

Bob Michel was here yesterday, our former minority leader, I said, Bob, 50

years ago today, March 9, where were you? He stopped and said, "In the hospital recovering from my wounds of a few weeks ago." And he said, "Back getting ready to go back into combat."

But the Germans, a Christian nation composed of basically Roman Catholics and Lutherans, how did they ever get these Lutheran and Catholic kids to run those concentration camps or to murder our prisoners at Malmedy, the sacred ground that I walked across last Christmas week?

The Germans have lost 250,000, including 150,000 very eager-to-surrender young POW's and older men of the Home Guard. American combat engineers have now completed two bridges across the Rhine next to the shakey Remagen Bridge, which was to fall in a few days killing 14 of our heroic engineers trying to hold on to the railroad bridge while we build the two-pontoon bridge alongside.

The 9th "Varsity" Division, the 78th "Lighting" Division, the 99th "Checkerboard" Division have all joined the 9th "Phantom" Armor Division to expand the 1st Army's east bank foothold across the Rhine in Germany proper.

The Germans are trying to corral the bridgehead with 12 divisions—we are still badly outnumbered—including two of the infamous Panzer divisions. Hitler has named Kesseling, a professional field marshal, to replace Gerd von Rundstedt who he fired 3 days ago once we got across the river.

I already mentioned what was happening in Iwo Jima. General McArthur with the United States Army in the southern Philippines has the 41st "Sunset" Division establishing a beachhead on Mindanao's Zamboanga Peninsula; 150,000 Filipinos were slaughtered. Manila is just rubble and the Japanese commander, Hama, will be executed after the war because this slaughter took place under him.

That is setting the scene for me to go back to the veterans of the Rhineland campaign and those that crossed the Rhine that earned their place in American history in terrible snowstorms 50 years ago last December and this January at the Battle of the Bulge, which I will do after my friend DUKE CUNNINGHAM, brings us up to date and informs us what is truly taking place about children's nutrition.

It is all yours, Mr. CUNNINGHAM.

#### CHILDREN'S NUTRITION PROGRAMS

Mr. CUNNINGHAM. Mr. Speaker, first of all, I really appreciate my friend from California, BOB DORNAN, yielding the time. I tried to make it over for the 5 minutes and he has been gracious enough to extend me the privilege to interrupt his special order.

And I first would like to say it is always good to be back with Tiger Flight. As always BOB DORNAN has more knowledge on military history than the Smithsonian Museum has. And if you notice, he does not do it

from paperwork; he does it from memory. And, BOB, I would like to especially thank you.

You know, I do not know how to counter untruths that are spoken on this House floor, and I think one of the most frustrating thing for Members is to hear the daily rhetoric that goes on on this House floor that are untruths, that are not the truth. And I think who we hurt the most and how many Members on the other side hurt the most are our pages and our youngsters and the people that watch.

I listened and talked to some of the Democratic pages and also to the Republican pages and some of them came back to me and said, Congressman CUNNINGHAM, we know that they are saying children's nutrition, cutting children's nutrition programs is not right. We are Democrats but we were brought up not to tell untruths. And I do not know why our side of the aisle is doing it, but what can you do to show them the actual facts and that is why I have come today.

I am the chairman of the subcommittee that went over and looked at children's nutrition programs. I met with the Speaker, with the Republican Governors, and they said there are 366 welfare programs in existence. All 366 of those welfare programs have personnel, they have facilities, they have paperwork requirements. They have reporting data that school teachers and principals and superintendents have to deal with every day, a stack this high.

And they all intertwine and they cover different folks. But yet we have many people applying for various ones of the 366 and we cannot track who they are. The system has gone amuck. And just take a look at our welfare system today.

It is a disaster and it needs to be fixed. And this is a choice of allowing our children in the future to maintain in their lifetime and have a debt ceiling on their lives of \$180,000 that they would pay in taxes just for the interest on the debt.

Now, the question is, are we doing that on the backs of the children? Are we taking food out of children's mouths? The answer is, of course not.

In the program what I did is took a look, and under H.R. 4, the plan was to take all of the block grants and put them in the welfare block grant. After consultations with my own school districts in San Diego, consultation with different groups that came in and talked to me in the food services, I determined, as well as Chairman GOODLING, that if we did that we would actually hurt children's nutrition programs. So being the chairman of the committee, I personally removed the child breakfast and the child lunch programs from the overall welfare block grant. I separated them.

There is another program that works very, very well to help, and you can tie

an economic model on both of these programs. And that is the Women, Infants, and Children's Program, called WIC. They work very well. And in this body, both Republicans and Democrats, on a bipartisan basis, have supported both the school-based and the family-based program of WIC. And if we would have put them into that block grant, it would have damaged both of them.

I hear time after time after time again from the other side of the aisle that we are cutting those programs. Well, Mr. Speaker, I would like to speak to that very issue. Because instead of cutting the program, I protected them. I separated them in a block grant instead of cutting them.

There were many people that came back to this Congress, especially our freshmen, and said, We came back to cut, we want to cut down and we want to work on the deficit, and we want to cut the program. And they wanted not to go to zero growth, but to actually cut into it by 5 percent.

I went to Chairman GOODLING, and I said, Mr. Chairman, if that feeling prevails, I will resign my chairmanship of early childhood education. Because if we do that, again, we will damage children's nutrition programs. It meant that much to protect programs that work.

Are we cutting? Take a look at the WIC Program itself. This is what we, Mr. Speaker, in 1995, this year, we spent \$3.47 billion on the Women, Infants, and Children's Program. In the year 2000, we spend \$4.246 billion. And if you look at next year, from \$3.4 we go to \$3.7 billion. That is the Women, Infants, and Children's Program.

If you take a look at the school-based program, this year we spent \$4.5 billion on our children and our School Lunch Programs. Next year, we spend \$4.7 billion. And every year we increase it by more than \$200 million a year. Instead of cutting it, I arranged to add dollars in that every single year and protect those programs.

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What about the protection of them? Each State is different. What Tommy Thomson's requirements are in Wisconsin may be different from what Governor Wilson's requirements are in California or Christy Whitman's requirements are in New Jersey. So we gave the Governors the remaining 20 percent.

I mandated that 80 percent of the money in this block grant goes to WIC. That 80 percent is represented in this figure. It is more than we currently spend every year in WIC.

In the lunch program, I mandated that 80 percent of the funds go to those children that need it most, those below 185 percent poverty level, the kids that cannot get a school meal because their parents or their economic situation would keep that child from eating.



That child, if they don't eat, they are not going to learn, and those are the children we found are going to end up on the economy on welfare or in low-paying jobs. So there is an economic model to it.

Now, in that 80 percent, there is 20 percent left over. It doesn't take a mathematical genius to figure that out. The Governor in each of those States has the authority to take that remaining 20 percent and if, in their State, they need it because of maybe a recession, whatever it is, and put more money into the School Breakfast and School Lunch Program, they can. If they need it to go in the WIC, in that separate block grant, they can take the 20 percent out that have block grant and include it there.

I yield back.

Mr. DORNAN. This is just the way you described it, trying to set the record straight. Tonight there is a dinner, a Lincoln dinner in the county of Washington in Arkansas, and they asked me to tape an introduction to the dinner for them because they knew I couldn't get down there by tonight because of votes today.

And I went to Arkansas 2 weeks ago, great American State, 24 Medal of Honor winners and hardly the image that comedians have given it since the current President was elected. But they had asked me to address one of four issues. One was the balanced budget, one was illegal immigration. And they said, please help us to tell fellow Republicans or conservative Democrats that the Republican Party is—and here is the quote—DUKE, not taking milk from the mouths of infants, not waging war upon poor young American children, and that is what you are setting the record straight on here.

So let me give you another couple of minutes and then I would love to join you in a special order next week to continue to set this record straight. The flamingest liberals in the dominant media culture are running wild with this theme. That it is being picked up in far-left Hollywood and all their comedian front men, that we are literally trying to hurt women and children, women, infants and children of the WIC Programs and others.

So take another couple minutes, please.

Mr. CUNNINGHAM. We are finally getting through to the press. Here is the Washington Post, the Washington Times, the Union. I talked to seven of the superintendents in most liberal schools in California, that is Los Angeles, San Francisco, Oakland, and they favored the block grant.

What they would like us to do even is to take the money and not even go through the State but get it down to the local LEA, or the local school district, so they are in favor of this. It takes out that middle bureaucracy.

What we did cut in all of those thousands of reports, we cut those out from

the Federal Government, the personnel, the systems that have to operate it, to take away the dollars that we are actually trying to give. So we not only add dollars, we make it more cost effective so that there is more money. They don't have to spend it on those administration fees, on the extra people they have to hire to take care of their reports. They don't have to go through the reports and send them back here to Washington, DC.

We happen to believe that Government works best closest to the people. What about the nutrition standards? Well, DUKE, you are going to individual States. In the language—I had the language that protected the nutrition standards. Mr. GUNDERSON and Mrs. ROUKEMA said, Well, DUKE, we still don't feel that it is strong enough. It said that the latest science would prevail on nutrition standards.

In a bipartisan, Republican and Democrat, we passed two amendments to protect the nutritional standards for the States. And the point is, are we cutting children's nutrition programs? Absolutely not. We are adding dollars every single year. And what the Democrats are doing, politically motivated, in our old budget cycle, if the Democrats, when they were in the majority, projected that we would have a million dollars in the future for a program, but when it came time around for the budget, they would say, Well, we are going to cut \$500,000 from that. We will reduce the rate of that growth by \$500,000. They would come back and tell you that they cut the budget in half, by 50 percent.

Did they? No. They increased it by \$500 million, and that is what we are doing. GAO projected that they would extend—

Mr. DORNAN. That is baseline budgeting.

Mr. CUNNINGHAM. At the end of 5 years, the rate would go up to 5.2 percent. This is at the end of 5 years. We are not even at that yet.

Mr. DORNAN. Mr. Speaker.

Mr. CUNNINGHAM. I will finish.

Mr. DORNAN. Then I want to ask you one question and then back to the Bulge 50 years ago. Go ahead.

Mr. CUNNINGHAM. That we are not even out here in 5 years at the year 2001. We are here now. This 4.5 percent is more than they even projected for the growth this year and I have added more money than even the GAO baseline, and the political rhetoric, it is an attempt to make us look like we are taking the food out of children's mouths, and we are not, Mr. Speaker. We are increasing it. We are making it cheaper.

We are giving the States the flexibility and at the same time we are going to make it where people that can—my children don't need money to go to school. I should have to pay for my child. I am not at a low poverty level,

and neither should other people that cannot afford it. And that way we can bring down over a gradual period of time and balance the budget.

Thank you, and I thank my friend.

Mr. DORNAN. Let me take you back to your youth to show people that you can handle figures accurately.

Mr. CUNNINGHAM. That was a long time ago.

Mr. DORNAN. That is all right. You were a swimming coach before you were a Navy fighter pilot.

Mr. CUNNINGHAM. Swimming and football coach at Hinsdale High School.

Mr. DORNAN. There are a lot of aces in our society. There are ace pool players, there are ace marble players in the school yard, wide receiver aces that get five touchdowns in a game, but there is only one act that puts his life on the line, and that is a fighter ace, and that is what you are. Well, I guess tank aces too out there in the sand.

Let me show people—I will give you a chance to shine a little bit here because I love talking with my hands with you. What is the turn rate of a Fagot, a MiG-15?

Mr. CUNNINGHAM. It turns at about 19 degrees a second.

Mr. DORNAN. How about a Fresco, MiG-17?

Mr. CUNNINGHAM. Turns at about 20 degrees a second. A Phantom turns at about 11 degrees a second.

Mr. DORNAN. That is why our big Phantom that you were flying, what was your back-seater's name? Driscoll?

Mr. CUNNINGHAM. Willie Driscoll and we were both Irish.

Mr. DORNAN. Happy St. Patrick's Day. Where is he today?

Mr. CUNNINGHAM. Willie sells real estate for Coldwell Banker and that is not a 1-800 number.

Mr. DORNAN. May his sales increase if we can balance the budget around here. So with that big Phantom turning what? What is his turn ratio?

Mr. CUNNINGHAM. About 11, 11½ degrees a second at 420 knots.

Mr. DORNAN. What is a MiG-17 doing?

Mr. CUNNINGHAM. Twenty degrees a second.

Mr. DORNAN. So you can get inside that much smaller fighter?

Mr. CUNNINGHAM. No. If I get behind him and he turns at 19 to 20 degrees a second and I turn at 11, he is going to come around and shoot me.

Mr. DORNAN. So he is turning more degrees than you are and a MiG-21 is what?

Mr. CUNNINGHAM. A MiG-21, depending on the speed, but at his best turn rate turns in excess of 20 degrees a second.

Mr. DORNAN. So that is more of a fair fight. You have got a couple of those.

Mr. CUNNINGHAM. He also has more power to go vertical.

Mr. DORNAN. The reason I brought this out is to show that my friend,

DUKE CUNNINGHAM of San Diego, can handle and master figures, and you taught this as the squadron CO of the aggressor squadron down there at fighter town USA, Miramar. This is not rocket science or shooting down MiG's for you to master these nutrition programs. What is the new name of the education and labor committee?

Mr. CUNNINGHAM. Early Childhood, Youth and Families.

Mr. DORNAN. Early Childhood, Youth and Families.

Mr. CUNNINGHAM. I am glad you are on that committee. I am glad you are doing this work. Let's keep telling the truth here and I want to master these figures and not just be the self-appointed House historian around here. Thanks, DUKE.

And speaking of history, Mr. Speaker, sometimes when you speak in grand terms about the sweep of battle in a war as cataclysmic or as massive in numbers of participants as World War II, you lose the viewpoint of a foxhole, the mud, one on one, combat situations.

Here is a book that I came across. I belong to the Military Book Club, along with the History Book Club and lots of other political book clubs, and I got a little book in the mail a couple of weeks before I left for Europe on an Army aircraft with the Secretary of the Army, Togo West, and sitting next to me, Harry Canard, as a 29-year-old full Eagle, full bird colonel, who was G3 operations for General McAuliffe, trapped inside Bastogne, completely surrounded by the best of German Panzer units, demanding that they surrender, and of course McAuliffe turned to his G3 in the headquarters as they read the German surrender demand and McAuliffe says, Well, this is nuts, nuts to them. What should I do, Harry?

General Canard, by the way, took the 1st Cavalry to Vietnam in 1965. Quite a man, and young 28-year-old Lieutenant Colonel Lynn still made bull in April a couple weeks before his birthday.

Lt. Col. Harry Canard said, Nuts is good enough, just tell them nuts, and that is what their young officers carried to the German side to this spit-and-polish Panzer commander, and the German reads the notes. I remember Harry saying it to me in German. Pardon my German if you speak the language, but he said something like, "Neutz, Was ist das?" "Negativ-affirmativ," and the young captain said, "It means hell no; hell no, we won't surrender."

That was probably still fresh in my mind why I used those words in the well January 25 while analyzing what aid and comfort to a hostile force that we are engaged in combat, what truly constitutes when you are in foreign countries. So "Hell no, hell no, we won't surrender" was embodied in the word "nuts."

Well, here is a small book, very quick and easy read by a young private, as he

puts it, a private comes of age, the title of the book is, "Inside the Battle of the Bulge," published in 1994 by Roscoe C. Blunt, Jr. And in the foreword, in dedicating it to his sons, he explains that the first version of my book was called, "A War Remembered." He made it more specific with "Inside the Battle of the Bulge" and published it last year to take advantage of the 50th anniversary.

He says, It was written for my sons, Roscoe C. Blunt III, to Randy A. Blunt and to Richard D. Blunt. My purpose was to offer them—oh, I see, Richard is probably his brother. He said, My purpose was to offer them an insight into a time in my life that was quite remote from the man they know.

Many fathers, as mine almost did, take to the grave the stories of their youth when they were called upon to offer their very life or their limbs or suffer unbelievably serious wounds as BOB DOLE, the leader of the Republicans in the Senate, majority leader in the Senate, suffered just 16 days before Hitler committed suicide at the end of the war. Senator DOLE is approaching the 50th anniversary of his horrible wounds that kept him literally imprisoned in a hospital in Kansas for 3½ years. The full length of the war itself is what BOB had to add to his Army service. A young 21-year-old lieutenant when a German artillery shell brought him to the very edge of death's door.

This is the story also of the 84th Infantry Division. The ax chopping at a piece of wood, one of the divisions that was formed in 1942, building our Nation up to roll back Nazism, fascism, Mussolini, Hitler and the warlords of Tojo.

So, please, to young people, if you want just one man's view of these cataclysmic events across Europe, Roscoe Blunt's book, "Inside the Battle of the Bulge," is as good as it gets and it is very short. You can read it in a night or two.

I wanted to put in the RECORD, Mr. Speaker, a brief analysis of why Adolf Hitler, Chancellor and Furor of Germany, leader of Germany, why in September 1944 he organized with great secrecy our intelligence, did not break the secret of his massive offensive across the first few acres of Germany, territory that we held on the West or allied side of the Rhine River 50 years ago last December.

It said, Hitler's offensive, General Field Marshall Toeffel wrote after the war, Hitler's offensive was because he, Hitler, was convinced that the Allied coalition was on the verge of breaking up. He was into the gossip of the tension between Montgomery and Gen. George Patton, but he did not take into account the major skills as a conciliator of Gen. Dwight Eisenhower, a man who had only been a lieutenant colonel at the Louisiana war games in 1940. We did find the right man in the right place at the right time to hold to-

gether all of these egos, in the best sense of the word, of his combatant officers, British, Canadian, and United States.

But the Bulge was mainly a United States battle, the British only had—"only" is a sad word to use—200 killed in action, that is 50 more than we lost in the whole gulf war and double what our Allies lost in the gulf war. Two hundred is painful, but compared to our thousands, 11,000 killed in action and twice that missing in action, it was an American conflict.

The nightmare in their Ardennes, Mr. Speaker, what we call the Bulge, began on a snowy afternoon 2 days before the combat when a Sgt. Ralph Neppel, to focus in on one man, and the rest of his machine gun squad, December 14, 1944, set up a defensive perimeter at the end of the main street of Birgel, and that was German soil this side of the Rhine, a hamlet on the edge of the Herkin Forest, which is where Bob Michel, our former leader was wounded and where one of our now deceased great leaders on the other side, Mr. Nichols of Alabama had lost a leg in the Herkin Forest trying to retrieve a wounded man from a mine field, he also stepped on a mine leaving his leg in Europe. Before that time, Neppel's company had advanced steadily from that day it landed at Normandy on D-day plus 13.

The combat through the hedge rows and into Germany had been fierce, but nothing had prepared Sgt. Ralph Neppel for what he was to endure that evening at Birgel. Near dusk, the machine gun crew was astonished to hear the rumble of tanks entering the town. Neppel later reasoned that he and his men had not seen them earlier because they were camouflaged for winter. The sound of the grinding machinery, the terrifying sound for ground forces, came closer until a number of tanks emerged from the narrow side streets and turned toward the squad's position. German infantry followed the lead tank using it as a shield.

Neppel held his fire until the Germans had advanced to within 100 yards, then released a burst that killed several of the foot soldiers. The first tank lumbered forward within 30 yards of Neppel, then fired one cannon shot and blasted the Americans and sent the machine gun flying. Neppel was thrown 10 yards from the gun, his legs wounded horribly. In shock, he looked down to see that his foot had been blown off. He realized the other men were either dead or about to die, so he crawled on his elbows back to the gun and tried to set it up himself.

When he found the tripod had been knocked loose, he cradled the gun in the crook of his arm and fired until he was too weak to lift it any further. He killed the remaining infantrymen around the lead German tank.

Without infantry cover, the Panzer tank was left vulnerable to attack



from bazookas or other American foot soldiers with phosphorous grenades so the tanks stopped. Neppel remembered the furious commander emerging from his tank and like a vision from a nightmare, advancing on the sergeant with a Luger held in his hand. The officer fired, hitting Neppel in the helmet and left him for dead. The helmet apparently diverted the course of the bullet. Neppel's skull was creased but he was alive and conscious.

Remember, Mr. Speaker, no foot, the rest of his leg shredded. When he again heard the rumbling of tanks, he was gripped by the awful thought that they were moving forward and would soon crush him under their tank treads. Instead, they withdrew.

Neppel was rescued by American troops as they took Birgel. He was to spend 6 months regaining his strength in a hospital. He had single-handedly turned back a Nazi armored attack but had lost both of his legs in the effort.

When he heard he was to receive the Medal of Honor, his reaction was to feel humble. This quotes him, "to feel humble." You see so many die, then in the hospital, you see triple amputees, guys who have lost their eyesight. You feel there are so many more deserving that you shouldn't be taking the glory as an individual. This was one of many recipients of the Medal of Honor and one of those who came home with terrible wounds, as I repeat, Senator BOB DOLE did.

Here is a picture of Neppel posing with a French rifle prior to his individual battle with a German Tiger on Panther tank. It doesn't identify the tank.

Here is another individual case. Pfc. Melvin "Bud" Biddle and the rest of his unit were in Reims, France, waiting to go home when the Germans launched their attack. Veterans of campaigns in Italy and southern France, they had turned in their equipment and were passing the time listening to Axis Sally, an English-speaking Nazi radio propagandist who played the latest hits from America while spouting lies in an attempt to demoralize the Allies. The troops were amused and then influenced by her show.

That night she announced, men of the 517th Parachute Infantry Regiment, you think you are going home, but you are not. This time, her information was deadly correct. The men of the 517th were issued new equipment, so new, in fact, that their rifles were still packed in Cosmoline grease, which the men had to clean off before they boarded their trucks and were driven to a crossroads in an area near the most advanced point of the German thrust into Belgium. This is during the later rescue operation of Patton's Third Army.

The men were to face again the elite troops of the German Army, Panzer divisions, paratroopers, and the dreaded SS soldiers. The mission of the 517th

was to clear the Germans out of 3 miles of territory between the towns of Soy and Hotton. Biddle was the lead scout for the 517th. I may have mixed up the 101st with the 82d Airborne, here, Mr. Speaker, and I won't have time to correct it. A job he had inherited with other scouts who were wounded or killed during the Italian campaign.

One of his qualifications was his superb vision. He later picked up the nickname, Hawkeye, this GI from Indiana. I saw every German out in front before they saw me, which was a large part of keeping me alive. He was keenly aware of the responsibility he held as the lead scout and said later it helped him forget his fear.

I think I got so I would rather die than be a coward. I was terrified most of the time. But there were two or three times when I had no fear, no fear. That is why I love to wear it on my ball cap, Team Dornan, no fear, and it is remarkable. It makes you so you can operate in the lead.

One of those times came on the 7th day of the Battle of the Bulge, the 23d of December. Biddle was ahead of his company as he crawled through the thick underbrush toward railroad tracks leading out of Hotton.

I would recommend to these young people in the gallery, get a map. Keep the map next to the books and the stories as you read this and track what these 18-, 19-, 20- and 21-year-old heroes, 21- and 22-year-old platoon leaders, 20-, 21-year-old sergeants, platoon sergeants leading three squads of young men and some 10 years older than they.

Unseen by the Germans, he crawled to within 10 feet of three sentries. Firing with his M1 rifle, he wounded one man in the shoulder, killed a second with two shots near the heart. The third sentry fled but not before Biddle shot him twice.

I should have got him. He kept running and got to their machine guns and then all hell broke loose. Under heavy fire, Biddle stayed on point as his unit crawled to within range through lobbed grenades and destroyed all but one of the guns. With his last grenade, Biddle blew up the remaining machinegun, then he charged the surviving gunners, killing them all.

That night the Americans heard a large number of tracked vehicles which Biddle hoped would be American. I have never heard so many Germans. They didn't have equipment like we had, not in our numbers.

Biddle volunteered to lead two others in a scouting foray to make contact with these vehicles, what he thought were Americans. In the darkness, the three men came upon a German officer who fired at them. Separated from the others, Biddle crawled toward the German lines by mistake, realizing his error, he continued to reconnoiter by himself, alone, and carried back valu-

able information for use in the next day's attack.

Mr. Speaker, the next morning he spotted a group of Germans dug in along a ridge. He ducked behind a small bank for cover. He found he could not properly maneuver in order to shoot. In basic training he had learned to shoot from a sitting position, his favorite, but at the time he had thought there would be no way to use that in combat.

Now moving to a sitting stance, he shot 14 men. He hit each one in the head, imagining that the helmets were the same as the targets he had aimed at in training. Although others in his unit later would view the bodies, Biddle could not bring himself to look at the carnage he had wrought. His sharp shooting, however, made it possible for his unit to secure the village.

The next day, a German 88, same artillery that hit Senator DOLE, exploded a shell in a building behind him as he was returning to his unit from a hospital in London. Another soldier asked if he had heard about the guy in the Bulge that shot all those people. My God, between Soy and Hotton, it was littered with Germans. I think they are going to put the guy in for the Medal of Honor. He is another one of our surviving Medal of Honor winners from the Bulge battle. Most paid for it with their lives.

Mr. Speaker, I would like to submit this for the RECORD. I would like to submit an article on the 80,987 men who were casualties, again, 10,276 killed, 23,218 missing. And I would like to put in an article on what was happening this month 50 years ago, the rout in the Rhineland and also another article from the VFW magazine this month sweeping the southern Philippines where our young men, who may be not so young today, watching will know that I have not forgotten the Pacific.

And I close on the words of a youngster plus 50 that I met on the scene in the Bulge. I said, "What division were you in, corporal?" And he said he was wearing a jacket from his old uniform. He said 106th Division, two of our regiments surrendered; the largest American battle surrender in the history of our Nation.

And he said these sentences to me: "We were all college kids. We were too young. We didn't make out very well. It was all a waste." And I said, "Wait a minute. Did you regroup? Were you captured?" "No." "Were you retrained? Did you go on to fight in Germany and bring about the collapse of Hitler on D-Day, March 8th Harry Truman's birthday." "Yes, Congressman, I did." And I said, "Corporal, it was worth it. Your units weren't a failure. You took the brunt, as unbloodied, unseasoned troops that were put on what they thought was a quiet front-line area and no matter what your casualties nor

how your regimental commander surrendered you to save lives since you were out of ammunition, you were part of what Eisenhower called 'The Great Crusade.'"

At some point I am going to do a special order on our young prisoners who were killed not at night, as it is shown in movies, not machinegunned from the back of trucks where they dropped the tail end of the truck, but the way it happened for real, in the middle of the afternoon, in an open field, at this Baugeuz crossroads and that sacred ground where so many of our prisoners were machinegunned by SS order telling young men to kill other men their age.

That Malmédý massacre deserves a half-hour of its own and I will try and do that, Mr. Speaker, and then move on to Okinawa next month. These heroes gave us our freedom. The Nation was only about 135 million at Pearl Harbor. We are now closing in on 270 million, twice as many people, as we called upon to mount this great effort for victory and freedom in World War II.

Reagan used to like to say, "We are Americans, we can do anything." Is there any reason we can't balance the budget here and recapture the American spirit and leave a better country to our grandchildren? Of course we can do it and nobody is asking us to die or have our young bodies torn apart in the process.

I yield back a few seconds, look forward to hearing my colleague from Pennsylvania.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

#### ROUT IN THE RHINELAND

(By Ken Hechler)

In a Belgian orchard 10 miles from the German border at daybreak on Sept. 10, 1944, a barrage from U.S. 155mm guns thundered into the German frontier town of Bildchen. The church steeple collapsed in a shower of mortar dust and bricks. Defenders now realized that although they were being pulverized from afar, GIs were knocking at the gates of their homeland.

Within five days, U.S. forces were assaulting the "West Wall" or Siegfried Line, officially launching the Rhineland Campaign.

GIs joked about the much-vaunted Siegfried Line with its pillboxes and "dragon's teeth" tank obstacles: "All we have to do is to send a couple of dentists to yank out the dragon teeth and we'll tie knots in the Siegfried Line!" The boast came back to haunt its author, as some of the fiercest fighting of the war came as the Americans spent from Oct. 2-21 capturing the first sizable German city: Aachen.

The day after the Long Tom artillery shell toppled the Bildchen steeple, Staff Sgt. Warner W. Holzinger of the 85th Cavalry Reconnaissance Squadron had the honor of leading the first patrol across the German border.

But it soon became apparent that the Germans fully intended to use the pyramid-shaped concrete obstacles, plus their string of reinforced pillboxes, to exact a severe toll on the attackers.

#### "JEWEL CITY": AACHEN

Aachen opened the way to the Rhineland and the Cologne plain. To the German garrison—12,000 strong—defending Aachen, Heinrich Himmler sent this message: "German soldiers! Heroes of Aachen! Our Fuehrer calls upon you to defend to the last bullet, the last gasp of breath, Aachen, this jewel city of German kultur, this shrine where German emperors and kings have been enthroned!"

Combat engineers, with bangalore torpedoes and TNT, blasted a path through the West Wall fortifications.

1st Lt. Frank Kolb of the 1st Div. led the first platoon to launch the attack toward Aachen. It was rough going. In a five-day period, the 1st Bn., 16th Inf. Regt. lost 300 men out of its 1,300-man strength. Supported by the 3rd Armored Div. and the 30th Inf. Div. farther north, the "Big Red One" found it slow slogging as the rains churned up the mud and kept the bombers out of the sky.

German SS troops strengthened the enemy lines. Future Medal of Honor recipient T/Sgt. Jake Lindsey remarked: "Either those Krauts were crazy or else they were the bravest soldiers in the world." House-to-house fighting within Aachen produced murderously high casualties on both sides. (The 30th Inf. Div. lost 3,100 men; the 1st Inf. Div. suffered an equal number of casualties.)

The 248th Engineer Combat Bn. created a humorous diversion by loading up several streetcars on a downgrade into Aachen with time-fused shells and other explosives; swarms of news correspondents covered the bizarre exploit, which actually caused little damage.

Finally, after Aachen was surrounded and his own headquarters were under small arms fire, the German commander surrendered when his ammunition ran out.

"The city is as dead as a Roman ruin," wrote an American observer. "But unlike a ruin it has none of the grace of gradual decay." \* \* \* Burst sewers, broken gas mains and dead animals have raised an almost overpowering smell in many parts of the city. Hitler's prophecy had been realized: "Give me five years and you will not recognize Germany again," he had said.

#### ANCIENT METZ FALLS

Some 113 miles to the south, on the French border, "Blood and Guts" Gen. George S. Patton had led his Third Army on a 450-mile run from Avranches at the base of the Cherbourg Peninsula to the gates of the fortress city of Metz, where he met the forbidding fortifications of Fort Driant.

The fort had concrete walls seven feet thick, connected by underground tunnels with a central fortress. The defenders had emplaced huge quantities of barbed wire to add to the problems facing attackers. The German garrison of 10,000 had ample supplies of food and water. Other forts in the Metz area were similarly equipped.

In the early days of November, the 5th, 90th and 95th Infantry and 10th Armored divisions of XX Corps were slowed by the heavy rains which plagued the entire theater. Hitler took a very personal interest in the defense of Metz, reiterating his order that it must be held "to the last man." The new garrison commander, Heinrich Kittel, pledged to carry out that order.

There were many individual feats of heroism as U.S. forces slowly closed the jaws of the trap around Metz between Nov. 18-22. Pfc. Elmer A. Eggert of L Co., 379th Inf. Regt., 95th Div., advanced alone against a machine gun, killing five of the enemy and capturing four, earning a Distinguished

Service Cross. After his tank received a direct hit, Cpl. C.J. Smith of the 778th Tank Bn. dismounted the .30-caliber machine gun and fought on alone until help arrived; he was also awarded a DSC.

Despite Hitler's own order, he allowed an SS regiment—which he planned to use in the Ardennes offensive—to slip out of Metz in the last stages of the U.S. offensive. Gen. Kittel finally surrendered Metz on Nov. 21, although several of the forts, including Driant, held out well into December before giving up.

The 5th Div.'s November losses were 172 KIA, 1,005 WIA and 143 MIA. The 95th Div. estimated 281 KIA, 1,503 WIA and 405 MIA. Records of casualties of other units involved in the Metz operation are incomplete. Hugh M. Cole, official Army historian of the Metz operation, concluded that the capture of Metz was "skillfully planned and marked by thorough execution," and "may long remain an outstanding example of a prepared battle for the reduction of a fortified position."

The U.S. First and Ninth Armies had launched Operation Queen in mid-November, with the Ninth clearing the west bank of the Roer River from Brachelen to Altdorf by early December. (See the November issue for the Battle of Huertgen Forest.) Queen witnessed, incidentally, the largest air-ground cooperative effort to date in the ETO.

Offensive operations were resumed Jan. 17, 1945. Operation Grenade achieved the Allied assault crossings over the Roer River, followed by a northeastward drive by the U.S. Ninth Army's link up with the First Canadian Army along the Rhine. The Ninth Army (its dash to the Rhine was dubbed Operation Flashpoint) comprised four corps with 13 divisions. In reaching the Rhine, the Ninth Army captured 30,000 German soldiers and killed 6,000, at the cost of 7,300 U.S. casualties.

A sequel to Grenade—Operation Lumberjack—was a converging thrust made by the U.S. First and Third Armies to trap the Germans in the Eifel Mountains during the first week of March. GIs were now poised to "bounce" the Rhine.

#### REMAGEN: AN "OPEN WOUND"

On the afternoon of March 7, 1945, 34-year-old Sgt. Alex Drabik from Toledo, Ohio, bobbed and weaved his squad across a Rhine River railroad bridge (Ludendorff) at the little town of Remagen, Germany. His company commander, Lt. Karl Timmermann, from A Co., 27th Armored Inf. Bn., 9th Armored Div., who had ordered the crossing, followed close behind. Drabik, Timmermann and a handful of infantrymen, engineers and tankers, performed one of the most incredible feats in the annals of military history.

The Rhine River had not been crossed by an invading army since Napoleon's time over a century earlier. Hitler had ordered all the bridges up and down the Rhine to be blown up as the Americans approached. The last bridge, between Cologne and Koblenz, was still standing to enable German tanks and artillery to retreat safely. Just as Lt. Timmermann gave the order for Drabik's squad to cross, tremendous explosions shook the bridge and seemed to lift it from its foundations. The structure shuddered, but miraculously remained standing.

At this point, Lt. Hugh Mott and two brave armored engineers, Eugene Dorland and John Reynolds, dashed out on the bridge and feverishly cut wires to the remaining explosive charges. The Germans blew a 30-foot crater in the approach to the bridge to prevent tanks from crossing. Sgt. Clemon Knapp of Rupert, W.Va., and a crew, manned



a "tank dozer"—a Sherman tank with a bulldozer blade—and filled in the crater. Knapp and his crew received Silver Stars for their actions.

The night of March 7 was one of the darkest of the war. Yet Lt. Windsor Miller gently guided his 35-ton Sherman tanks across the shaky bridge, dodging some gaping holes as he maneuvered between white tapes strung by the engineers. Across the Rhine, Miller's tank platoon beat off several German counter-attacks as they helped the armored infantry hang on to their tenuous foothold.

When the bridge was captured, the first troops proudly attached a sign reading: Cross the Rhine with dry feet—Courtesy 9th Arm'd Div.

The 9th, 78th and 99th Infantry divisions rushed to the scene to reinforce the bridgehead. Military police, tank-destroyer and anti-aircraft units were awarded Presidential Unit Citations for their heroism under fire.

Hitler threw in jet planes, underwater swimmers, giant V-2 rockets and massive reinforcements in trying to destroy the bridge. The bridge itself was so severely damaged that it collapsed without warning on March 17, taking the lives of 28 repairmen and injuring 93. But not before a pontoon and trestle bridge had been built under fire on either side of the permanent bridge.

#### WEST BANK CLEANSED

By mid-March, mopping up operations west of the Rhine were completed by the U.S. VIII Corps. Within a few days, Operation Undertone was under way by the U.S. Seventh Army to clear the Saar-Palatinate triangle.

On March 22, 1945, the 90th Inf. Div. cleared Mainz while other GIs achieved a surprise late night crossing of the Rhine at Oppenheim, south of Mainz. By then, the U.S. First Army held a bridgehead across the river 20 miles wide and eight miles deep; six divisions were east of the Rhine. The stage was set for the final drive into Germany's heartland.

□ 1430

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 24 AND HOUSE CONCURRENT RESOLUTION 5

Mr. FOX of Pennsylvania. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor of H.R. 24 and House Concurrent Resolution 5.

The SPEAKER pro tempore (Mr. WICKER). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

#### THE CONTRACT WITH AMERICA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 1995, the gentleman from Pennsylvania is recognized for 30 minutes as the designee of the majority leader.

Mr. FOX of Pennsylvania. Mr. Speaker, I want to thank the gentleman from California [Mr. DORNAN] for his eloquent testimony about the importance of the Battle of the Bulge in U.S. history, and the importance of our service men and women who have given us the opportunity to serve here in Congress and to try to make a difference in each person's life.

Mr. Speaker, it occurs to me that the media's coverage of the new Speaker of the House is further proof that elitists in the Washington press corps still do not get it. They fail to understand that the Republicans' sweep in November was not about the personalities of power inside the beltway that accompanied the democratically controlled Congress for so many years. The election was not about power in Washington at all. It was about ideas, about helping people.

Speaker NEWT GINGRICH is an excellent articulator of the conservative tenets of individual freedom and decentralized government, as well outlined by Jay Heslick in the Southeast Missourian.

Just this past week we have been discussing how we can work with our families, our neighborhoods, and our schools. The fact is we are growing school meals. Hungry children cannot learn. We are growing kids, not government. We are growing school meals 4.5 percent a year. Under our plan, in 5 years we will be spending \$1 billion more on school meals than we are today.

For kids under school age, we are growing the WIC program, for lower-income women, infants, and children. A country that is broke certainly cannot feed a hungry child. The Clinton budget piles \$1 trillion in new debt on our kids, which they will have to repay with interest. Unless we turn this around, a child born today will pay \$180,000 in Federal debt during his or her lifetime. That is not for a house, a car, or a college education. That is interest on the Federal debt, and the Clinton budget is growing.

That is why I support the balanced budget amendment, even though President Clinton does not, and that is why I support reviewing all Federal expenditures, to see if they can be transformed or reformed. Money spent on bureaucrats cannot be spent feeding kids, and because the Clinton administration is still running deficits and adding to the debts that our kids will owe, money spent on bureaucrats has to be paid back with interest.

On school meals, we are transforming and reforming the program. We are cutting out the bureaucrats in Washington, cutting the paperwork and the waste that they impose on local schools, and we are going to add to the school lunch program by having more students served because less bureaucrats will be served.

At this point, Mr. Speaker, I think it is very interesting and very enlightening to see we have already passed here within the House the balanced budget amendment as part of the Contract With America; we have increased the penalties against violent criminals; we have already worked within the committee on tax cuts for families, and a stronger national defense, with no U.S.

troops under U.N. command. We are working on various other items, common sense legal reform has just been completed, and we are going to be working on many other important issues.

Mr. Speaker, I did want to take a moment to talk about legislation which has received bipartisan support which goes to the item dealing with protecting our children, protecting our citizens, and protecting our country by discouraging the crime of jury tampering and witness tampering and witness intimidation.

Mr. Speaker, it was discovered not that long ago by the Wall Street Journal that in fact if someone is charged with a major offense federally, kidnapping or murder, and is through their own devices acquitted of the major offense because they tampered with a jury or intimidated a witness, later on, when it comes up, the fact is they can use double jeopardy to keep from being tried again. The fact is right now in our current law there is only a six month sentence for tampering with a jury or tampering with a witness.

Under legislation that has received bipartisan support that we have just filed, we will be able to increase those penalties for jury tampering and witness tampering, and to have a chilling effect on those crimes, by increasing the penalty to be equal to the substantive or greater offense. We believe it is a step in the right direction. I am pleased it is being investigated and studied by the National District Attorneys Association, and my own district attorney in Montgomery County, Michael D. Marino has endorsed this legislation fully. He believes this legislation will definitely be a deterrent for those who want to commit crimes, then to intimidate or bribe a witness, and then be off scot-free because they have in fact through illegal self-help made it easier for them to get away with a crime.

I am pleased to report to the House the bill has been filed. It will be going to the Committee on the Judiciary. It has received the support of the Committee on the Judiciary, the gentleman from Illinois [Mr. HYDE], the ranking member, the gentleman from Michigan [Mr. CONYERS], and the subcommittee ranking member, the gentleman from New York [Mr. SCHUMER], and as well the Crimes Subcommittee chairman, the gentleman from Florida [Mr. MCCOLLUM]. These individuals are behind the bill. They are leaders in this legislation to reduce crime. I must say, Mr. Speaker, I am proud to be associated with them in this kind of legislation, which we hope will be good for all of the people of the United States and obviously not good for the criminals.

Mr. Speaker, in conclusion, I just want to say that for those people who realize we have a Contract With America, much of that credit goes to our

Speaker, the gentleman from Georgia [Mr. GINGRICH], to the gentleman from Texas [Mr. ARMEY], the gentleman from Texas [Mr. DELAY], the gentleman from Ohio [Mr. BOEHNER], our leadership. These individuals helped to write this contract, and for the first time in years we have a document that tells the people what we are going to try to do in the first 100 days.

We are more than halfway there. We are working hard, we are keeping promises, we are trying to make a difference. I am happy to say we have had bipartisan support for this people-oriented legislation, which is going to hold the line on costs, provide quality services to people, but make sure the people are part of the process. That is why we are here.

#### RULES OF PROCEDURE FOR THE COMMITTEE ON STANDARDS AND OFFICIAL CONDUCT FOR THE 104TH CONGRESS

(Mrs. JOHNSON of Connecticut asked and was given permission to extend her remarks at this point in the RECORD and to include extraneous matter.)

Mrs. JOHNSON of Connecticut. Mr. Speaker, I am submitting to the House the interim rules of the Committee on Standards of Official Conduct of the 104th Congress. These rules were adopted by the committee at our organizational meeting on February 9, 1995.

The committee adopted these rules on an interim basis so that we could undertake the work before the committee according to the rules by which the committee was operating at the time of the initial filing of pending business. The committee intends to review these rules during the 104th Congress and make additional recommendations.

#### RULES OF THE COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

##### Foreword

The Committee on Standards of Official Conduct is unique in the House of Representatives. Consistent with the duty to carry out its advisory and enforcement responsibilities in an impartial manner, the Committee is the only standing committee of the House of Representatives the membership of which is divided evenly by party. These rules are intended to provide a fair procedural framework for the conduct of the Committee's activities and to help insure that the Committee serves well the people of the United States, the House of Representatives, and the Members, officers, and employees of the House of Representatives.

#### Part I—General Committee Rules

##### Rule 1. General Provisions

(a) So far as applicable, these rules and the Rules of the House of Representatives shall be the rules of the Committee and any subcommittee. The Committee adopts these rules under the authority of clause 2(a) of Rule XI of the Rules of the House of Representatives, 103d Congress.

(b) The rules of the Committee may be modified, amended, or repealed by a vote of a majority of the Committee.

(c) When the interests of justice so require, the Committee, by a majority vote of its

members, may adopt any special procedures, not inconsistent with these rules, deemed necessary to resolve a particular matter before it. Copies of such special procedures shall be furnished to all parties in the matter.

##### Rule 2. Definitions

(a) "Adjudicatory Subcommittee" means a subcommittee of the Committee, comprised of those Committee members not on the investigative subcommittee, that holds a disciplinary hearing and determines whether the counts in a Statement of Alleged Violation are proved by clear and convincing evidence.

(b) "Committee" means the Committee on Standards of Official Conduct.

(c) "Complaint" means a written allegation of improper conduct against a Member, officer, or employee of the House of Representatives filed with the Committee with the intent to initiate a Preliminary Inquiry.

(d) "Disciplinary Hearing" means an adjudicatory subcommittee hearing held for the purposes of receiving evidence regarding conduct alleged in a Statement of Alleged Violation and determining whether the counts in the Statement of Alleged Violation have been proved by clear and convincing evidence.

(e) "Investigative Subcommittee" means a subcommittee designated pursuant to Rule 6 to conduct a Preliminary Inquiry to determine if a Statement of Alleged Violation should be issued.

(f) "Office of Advice and Education" refers to the Office established by section 803(1) of the Ethics Reform Act of 1989. The Office handles inquiries; prepares written opinions in response to specific requests; develops general guidance; and organizes seminars, workshops, and briefings for the benefit of the House of Representatives.

(g) "Preliminary Inquiry" means an investigation by an investigative subcommittee into allegations against a Member, officer, or employee of the House of Representatives.

(h) "Respondent" means a Member, officer, or employee of the House of Representatives who is the subject of a complaint filed with the Committee or who is the subject of a Preliminary Inquiry or a Statement of Alleged Violation.

(i) "Sanction Hearing" means a Committee hearing to determine what sanction, if any, to recommend to the House of Representatives.

(j) "Statement of Alleged Violation" means a formal charging document filed by an investigative subcommittee with the Committee containing specific allegations against a Member, officer, or employee of the House of Representatives of a violation of the Code of Official Conduct, or of a law, rule, regulation, or other standard of conduct applicable to the performance of official duties or the discharge of official responsibilities.

##### Rule 3. Advisory Opinions and Waivers

(a) There is established within the Committee an Office of Advice and Education. The Office shall handle inquiries; prepare written opinions providing specific advice; develop general guidance; and organize seminars, workshops, and briefings for the benefit of the House of Representatives.

(b) Any Member, officer, or employee of the House of Representatives, or any other person specifically authorized by law, may request a written opinion with respect to the propriety of any current or proposed conduct of such Member, officer, employee, or person.

(c) The Office of Advice and Education may provide information and guidance regarding

laws, rules, regulations, and other standards of conduct applicable to Members, officers, and employees in the performance of their duties or the discharge of their responsibilities.

(d) In general, the Committee shall provide a written opinion to an individual only in response to a written request.

(e) Unless specifically authorized by law or resolution of the House of Representatives, written opinions may be provided only to Members, officers, and employees of the House of Representatives. Other individuals may be provided with general information regarding rules or laws, such as citations to relevant texts of publicly available documents.

(f) A written request for an opinion shall be addressed to the Chairman of the Committee and shall include a complete and accurate statement of the relevant facts. A request shall be signed by the requester or the requester's authorized representative or employing authority. A representative shall disclose to the Committee the identity of the principal on whose behalf advice is being sought.

(g) A written opinion shall address the conduct only of the inquiring individual, or of persons for whom the inquiring individual is responsible as employing authority.

(h) The Office of Advice and Education shall prepare for the Committee a response to each written request for an opinion. Each response shall discuss all applicable laws, rules, regulations, or other standards.

(i) Where a request is unclear or incomplete, the Office of Advice and Education may seek additional information from the requester.

(j) The Chairman and Ranking Minority Member are authorized to take action on behalf of the Committee on any proposed written opinion that they determine does not require consideration by the Committee. If the Chairman or Ranking Minority Member requests a written opinion, or seeks a waiver, extension, or approval pursuant to Rules 3(n), 4(c), 4(e), or 4(h), the next ranking member of the requester's party is authorized to act in lieu of the requester.

(k) The Committee shall keep confidential any request for advice, as well as any response thereto.

(l) The Committee may take no adverse action in regard to any conduct that has been undertaken in reliance on a written opinion if the conduct conforms to the specific facts addressed in the opinion.

(m) Information provided to the Committee by a Member, officer, or employee seeking advice regarding prospective conduct may not be used as the basis for initiating an investigation under clause 4(e)(1)(B) of Rule X of the Rules of the House of Representatives, if such Member, officer, or employee acts in good faith in accordance with the written advice of the Committee.

(n) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), or for any other waiver or approval, shall be treated in all respects like any other request for a written opinion.

(o) A written request for a waiver of House Rule XLIII, clause 4 (the House gift rule), shall specify the nature of the waiver being sought and the specific circumstances justifying the waiver.

(p) An employee seeking a waiver of time limits applicable to fact-finding or substantial participation travel shall include with the request evidence that the employing authority is aware of the request. In any other instance where proposed employee conduct



may reflect on the performance of official duties, the Committee may require that the requester submit evidence that the employing authority knows of the conduct.

#### Rule 4. Financial Disclosure

(a) In matters relating to Title I of the Ethics in Government Act of 1978, the Committee shall coordinate with the Clerk of the House of Representatives, Office of Records and Registration, to assure that appropriate individuals are notified of their obligation to file Financial Disclosure Statements and that such individuals are provided in a timely fashion with filing instructions and forms developed by the Committee.

(b) The Committee shall coordinate with the Office of Records and Registration to assure that information that the Ethics in Government Act requires to be placed on the public record is made public.

(c) The Chairman and Ranking Minority Member are authorized to grant on behalf of the Committee requests for reasonable extensions of time for the filing of Financial Disclosure Statements. Any such request must be received by the Committee no later than the date on which the statement in question is due. A request received after such date may be granted by the Committee only in extraordinary circumstances. Such extensions for one individual in a calendar year shall not exceed a total of 90 days. No extension shall be granted authorizing a non-incumbent candidate to file a statement later than 30 days prior to a primary or general election in which the candidate is participating.

(d) An individual who takes legally sufficient action to withdraw as a candidate before the date on which that individual's Financial Disclosure Statement is due under the Ethics in Government Act shall not be required to file a Statement. An individual shall not be excused from filing a Financial Disclosure Statement when withdrawal as a candidate occurs after the date on which such Statement was due.

(e) Any individual who files a report required to be filed under title I of the Ethics in Government Act more than 30 days after the later of—

(1) the date such report is required to be filed, or

(2) if a filing extension is granted to such individual, the last day of the filing extension period, is required by such Act to pay a late filing fee of \$200. The Chairman and Ranking Minority Member are authorized to approve requests that the fee be waived based on extraordinary circumstances.

(f) Any late report that is submitted without a required filing fee shall be deemed procedurally deficient and not properly filed.

(g) The Chairman and Ranking Minority Member are authorized to approve requests for waivers of the aggregation and reporting of gifts as provided by section 102(a)(2)(D) of the Ethics in Government Act. If such a request is approved, both the incoming request and the Committee response shall be forwarded to the Office of Records and Registration for placement on the public record.

(h) The Chairman and Ranking Minority Member are authorized to approve blind trusts as qualifying under section 102(f)(3) of the Ethics in Government Act. The correspondence relating to formal approval of a blind trust, the trust document, the list of assets transferred to the trust, and any other documents required by law to made public, shall be forwarded to the Office of Records and Registration for such purpose.

(i) The Committee shall designate staff counsel who shall review Financial Disclosure

Statements and, based upon information contained therein, indicate in a form and manner prescribed by the Committee whether the Statement appears substantially accurate and complete and the filer appears to be in compliance with applicable laws and rules.

(j) Each Financial Disclosure Statement shall be reviewed within 60 days after the date of filing.

(k) If the reviewing counsel believes that additional information is required because (1) the Statement appears not substantially accurate or complete, or (2) the filer may not be in compliance with applicable laws or rules, then the reporting individual shall be notified in writing of the additional information believed to be required, or of the law or rule with which the reporting individual does not appear to be in compliance. Such notice shall also state the time within which a response is to be submitted. Any such notice shall remain confidential.

(l) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who concurs with the Committee's notification that the Statement is not complete, or that other action is required, shall submit the necessary information or take appropriate action. Any amendment may be in the form of a revised Financial Disclosure Statement or an explanatory letter addressed to the Clerk of the House of Representatives.

(m) Any amendment shall be placed on the public record in the same manner as other Statements. The individual designated by the Committee to review the original Statement shall review any amendment thereto.

(n) Within the time specified, including any extension granted in accordance with clause (c), a reporting individual who does not agree with the Committee that the Statement is deficient or that other action is required, shall be provided an opportunity to respond, orally or in writing. If the explanation is accepted, a copy of the response, if written, or a note summarizing an oral response, shall be retained in Committee files with the original report.

(o) The Committee shall be the final arbiter of whether any Statement needs clarification or amendment.

(p) If the Committee determines, by vote of a majority of its members, that there is reason to believe that an individual has willfully failed to file a Statement or has willfully falsified or willfully failed to file information required to be reported, then the Committee shall refer the name of the individual, together with the evidence supporting its finding, to the Attorney General pursuant to section 104(b) of the Ethics in Government Act. Such referral shall not preclude the Committee from initiating such other action as may be authorized by other provisions of law or the Rules of the House of Representatives.

#### Rule 5. Meetings

(a) The regular meeting day of the Committee shall be the second Wednesday of each month, except when the House of Representatives is not meeting on that day. When the Committee Chairman determines that there is sufficient reason, a meeting may be called on additional days. A regularly scheduled meeting need not be held when the Chairman determines there is not business to be considered.

(b) A subcommittee shall meet at the discretion of its chairman.

(c) Insofar as practicable, notice for any Committee or subcommittee meeting shall be provided at least seven days in advance of

the meeting. The Chairman of the Committee or subcommittee may waive such time period for good cause.

#### Rule 6. Subcommittees—General Policy and Structure

(a) If the Committee determines by majority vote of its members that allegations of improper conduct (brought to its attention by a complaint or otherwise) by a Member, officer, or employee merit further inquiry, the Chairman and Ranking Minority Member of the Committee shall designate four or six members (with equal representation from the majority and minority parties) to serve as an investigative subcommittee to undertake a Preliminary Inquiry. The senior majority and minority members of an investigative subcommittee shall serve as the chairman and ranking minority member of the subcommittee. The Chairman and Ranking Minority Member of the Committee may serve only as nonvoting, ex officio members of any investigative subcommittee.

(b) If an investigative subcommittee, by a majority vote of its members, adopts a Statement of Alleged Violation, the remaining members of the Committee shall comprise an adjudicatory subcommittee to hold a Disciplinary Hearing under Committee Rule 19 on the violations alleged in the Statement.

(c) The Committee may establish other noninvestigative and nonadjudicatory subcommittees and may assign to them such functions as it may deem appropriate. The membership of each subcommittee shall provide equal representation for the majority and minority parties.

(d) The Chairman may refer any bill, resolution, or other matter before the Committee to an appropriate subcommittee for consideration. Any such bill, resolution, or other matter may be discharged from the subcommittee to which it was referred by a majority vote of the Committee.

(e) Any member of the Committee may sit with any noninvestigative or nonadjudicatory subcommittee, but only regular members of such subcommittee may vote on any matter before that subcommittee.

#### Rule 7. Quorums and Member Disqualification

(a) The quorum for an investigative subcommittee to take testimony and to receive evidence shall be two members, unless otherwise authorized by the House of Representatives.

(b) The quorum for an adjudicatory subcommittee to take testimony, receive evidence, and conduct business shall consist of a majority plus one of the members of the adjudicatory subcommittee.

(c) Except as stated in clauses (a) and (b) of this rule, a quorum for the purpose of conducting business consists of a majority of the members of the Committee or subcommittee.

(d) A member of the Committee shall be ineligible to participate in any Committee or subcommittee proceeding that relates to the member's own conduct.

(e) A member of the Committee may disqualify himself or herself from participating in any investigation of the conduct of a Member, officer, or employee of the House of Representatives upon the submission in writing and under oath of an affidavit of disqualification stating that the member cannot render an impartial and unbiased decision. If the Committee approves and accepts such affidavit of disqualification, or if a member is disqualified pursuant to Rule 15(h) or Rule 19(a), the Chairman shall so notify the Speaker and ask the Speaker to designate a Member of the House of Representatives from the same political party as the

disqualified member of the Committee to act as a member of the Committee in any Committee proceeding relating to such investigation.

#### *Rule 8. Vote Requirements*

(a) The following actions shall be taken only upon affirmative vote of a majority of the members of the Committee or subcommittee, as appropriate.

(1) Adoption of a resolution to conduct a Preliminary Inquiry;

(2) Adoption of a Statement of Alleged Violation;

(3) Finding that a count in a Statement of Alleged Violation has been proved by clear and convincing evidence;

(4) Sending of a letter of reproof;

(5) Adoption of a recommendation to the House of Representatives that a sanction be imposed;

(6) Adoption of a report relating to the conduct of a Member, officer, or employee;

(7) Issuance of an advisory opinion of general applicability establishing new policy.

(b) Except as stated in clause (a), action may be taken by the Committee or any subcommittee thereof by a simple majority, a quorum being present.

(c) No motion made to take any of the actions enumerated in clause (a) of this Rule may be entertained by the Chair unless a quorum of the Committee is present when such motion is made.

#### *Rule 9. Communications by Committee Members and Staff*

Committee members and staff shall not disclose any evidence relating to an investigation to any person or organization outside the Committee unless authorized by the Committee, nor shall any evidence in the possession of an investigative subcommittee be disclosed to Committee members who are not members of the subcommittee prior to the filing of a Statement of Alleged Violation with the Committee.

#### *Rule 10. Committee Records*

(a) The Committee may establish procedures necessary to prevent the unauthorized disclosure of any testimony or other information received by the Committee or its staff.

(b) Members and staff of the Committee shall not disclose to any person or organization outside the Committee, unless authorized by the Committee, any information regarding the Committee's or a subcommittee's investigative, adjudicatory or other proceedings, including, but not limited to: (i) the fact of or nature of any complaints; (ii) executive session proceedings; (iii) information pertaining to or copies of any Committee or subcommittee report, study, or other document which purports to express the views, findings, conclusions, or recommendations of the Committee or subcommittee in connection with any of its activities or proceedings; or (iv) any other information or allegation respecting the conduct of a Member, officer, or employee.

(c) The Committee shall not disclose to any person or organization outside the Committee any information concerning the conduct of a Member, officer, or employee of the House of Representatives until it has transmitted a statement of Alleged Violation under Rule 17 of the Committee rules, to such Member, officer, or employee and the Member, officer, or employee has been given full opportunity to respond pursuant to Rule 18. The Statement of Alleged Violation and any written response thereto shall be made public at the first meeting or hearing on the matter that is open to the public after such

opportunity has been provided. Any other materials in the possession of the Committee regarding such statement may be made public as authorized by the Committee to the extent consistent with the Rules of the House of Representatives.

(d) If no public hearing or meeting is held on the matter, the Statement and any written response thereto shall be included in the Committee's final report to the House of Representatives.

(e) All communications and all pleadings pursuant to these rules shall be filed with the Committee at the Committee's office or such other place as designated by the Committee.

(f) All records of the Committee which have been delivered to the Archivist of the United States shall be made available to the public in accordance with Rule XXXVI of the Rules of the House of Representatives.

#### *Rule 11. Broadcasts of Committee and Subcommittee Proceedings*

Whenever any hearing or meeting by the Committee or a subcommittee is open to the public, the Committee or subcommittee may, by a majority vote, permit coverage, in whole or in part, by television broadcast, radio broadcast, and still photography, or by any such methods of coverage, under the following rules:

(a) If television or radio present live coverage of the hearing or meeting to the public, it shall be without commercial sponsorship.

(b) No witness shall be required against his or her will to be photographed or otherwise to have a graphic reproduction of his or her image made at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness, all media microphones shall be turned off, all television and camera lenses shall be covered, and that making of a graphic reproduction at the hearing shall not be permitted. This paragraph supplements clause 2(k)(5) of Rule XI of the Rules of the House of Representatives relating to the protection of the rights of witnesses.

(c) Not more than four television cameras, operating from fixed positions, shall be permitted in a hearing or meeting room. The Committee may allocate the positions of permitted television cameras among the television media in consultation with the Executive Committee of the Radio and Television Correspondents' Galleries.

(d) Television cameras shall be placed so as not to obstruct in any way the space between any witness giving evidence or testimony and any member of the Committee, or the visibility of that witness and that member to each other.

(e) Television cameras shall not be placed in positions that unnecessarily obstruct the coverage of the hearing or meeting by the other media.

#### *Part II—Investigative Authority*

##### *Rule 12. House Resolution*

Whenever the House of Representatives, by resolution, authorizes the Committee to undertake an inquiry or investigation, the provisions of the resolution, in conjunction with these Rules, shall govern. To the extent the provisions of the resolution differ from these Rules, the resolution shall control.

##### *Rule 13. Committee Authority to Investigate—General Policy*

Pursuant to clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives, the Committee may exercise its investigative authority when—

(a) a complaint by a Member of the House of Representatives is transmitted directly to the Committee;

(b) a complaint by an individual not a Member of the House of Representatives is transmitted through a Member who agrees, in writing, to submit it for the purpose of requesting an investigation;

(c) a complaint by an individual not a Member of the House of Representatives is submitted to the Committee after three Members of the House of Representatives have refused, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation;

(d) the Committee, on its own initiative, determines that a matter warrants inquiry;

(e) a Member, officer, or employee is convicted in a Federal, State, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed; or

(f) the House of Representatives, by resolution, authorizes the Committee to undertake an investigation.

##### *Rule 14. Complaints*

(a) A complaint submitted to the Committee shall be in writing, under oath and dated, setting forth in simple, concise, and direct statements—

(1) the name and legal address of the party filing the complaint (hereinafter referred to as the "complainant");

(2) the name and position or title of the respondent;

(3) the nature of the alleged violation of the Code of Official Conduct or of other law, rule, regulation, or other standard of conduct applicable to the performance of duties or discharge of responsibilities; and

(4) the facts alleged to give rise to the violation. The complaint shall not contain innuendo, speculative assertions, or conclusory statements.

(b) Any documents in the possession of the complainant that relate to the allegations may be submitted with the complaint.

(c) A complaint by a Member of the House of Representatives may be transmitted directly to the Committee.

(d) A complaint by an individual not a Member of the House of Representatives may be transmitted through a Member who states, in writing, that it is submitted for the purpose of initiating a Preliminary Inquiry. A copy of the exact complaint submitted to and transmitted by the Member must be attached to the Member's letter to the Committee.

(e) If a complaint by an individual who is not a Member of the House of Representatives is submitted to three Members of the House of Representatives who refuse, in writing, to transmit the complaint to the Committee for the purpose of requesting an investigation, the complainant may transmit the complaint to the Committee. Legible copies of each refusal letter must accompany the complaint. Each letter must clearly state the Member's refusal to transmit the complaint and must contain the Member's acknowledgment that such refusal may cause the Committee to consider initiating a Preliminary Inquiry. A legible copy of the exact complaint submitted to and considered by the Member must be attached to that Member's refusal letter.

(f) A complaint must be accompanied by a certification that the complainant has provided an exact copy of the filed complaint and all attachments to the respondent.

(g) The Committee may defer action on a complaint against a Member, officer, or employee of the House of Representatives when



the Committee has reason to believe such conduct is being reviewed by appropriate law enforcement or regulatory authorities.

(h) A complaint may not be amended without leave of the Committee. Otherwise, any new allegations of improper conduct must be submitted in a new complaint that independently meets the procedural requirements of the Rules of the House of Representatives and the Committee's Rules.

(i) The Committee shall not accept, and shall return to the complainant, any complaint submitted within the 60 days prior to an election in which the subject of the complaint is a candidate.

(j) The Committee shall not consider a complaint, nor shall any investigation be undertaken by the Committee, of any alleged violation which occurred before the third previous Congress unless the Committee determines that the alleged violation is directly related to an alleged violation which occurred in a more recent Congress.

#### *Rule 15. Processing of Complaints*

(a) Upon receipt of a complaint, the Committee shall determine if it complies with clause 4(e)(2)(B) of Rule X of the Rules of the House of Representatives and Rule 14 of the Committee's Rules.

(b) If the complaint does not comply with such House and Committee Rules, it shall be returned to the complainant with copy of such Rules and a statement specifying why the complaint is not in compliance. The respondent shall be notified when a complaint is returned and provided the reasons therefor.

(c) If a complaint is in compliance with House and Committee Rules, a copy of the complaint and the Committee Rules shall be forwarded to the respondent with notice that the complaint conforms to the applicable rules and will be placed on the Committee's agenda.

(d) The respondent may provide to the Committee any information relevant to a complaint filed with the Committee. The Committee staff may request information from the respondent prior to the consideration of a Resolution of Preliminary Inquiry only when so directed by the Chairman and Ranking Minority Member.

(e) At the first meeting of the Committee following the procedures or actions specified in clauses (c) and (d), the Committee shall consider the complaint.

(f) If the Committee, by a majority vote, determines that the complaint is within the Committee's jurisdiction and merits further inquiry, it shall adopt a Resolution of Preliminary Inquiry. After such resolution is adopted, the Chairman and Ranking Minority Member shall designate four or six members to serve as an investigative subcommittee to conduct a Preliminary Inquiry in accordance with Rule 17.

(g) The respondent shall be notified, in writing, regarding the Committee's decision either to dismiss the complaint or to initiate a Preliminary Inquiry.

(h) Respondent shall be notified of the membership of the investigative subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

#### *Rule 16. Committee Initiated Preliminary Inquiry*

(a) Notwithstanding the absence of a filed complaint, the Committee may consider any

information in its possession indicating that a Member, officer, or employee may have committed a violation of the Code of Official Conduct or any law, rule, regulation, or other standard of conduct applicable to the conduct of such Member, officer, or employee in the performance of his or her duties or the discharge of his or her responsibilities.

(b) If the Committee determines that the information merits further inquiry, the Committee shall proceed in accordance with Rule 17.

(c) Any written request by a Member, officer, or employee of the House of Representatives that the Committee conduct an inquiry into such person's own conduct shall be processed in accordance with subsection (a) of this Rule.

(d) An investigative or disciplinary hearing shall not be undertaken regarding any alleged violation that occurred before the third previous Congress unless a majority of the Committee determines that the alleged violation is directly related to an alleged violation that occurred in a more recent Congress.

(e) Conviction of a Member, officer, or employee of the House of Representatives in a Federal, state, or local court of a criminal offense for which a sentence of one or more years' imprisonment may be imposed shall be a matter that merits further inquiry pursuant to Rule 15 and, after sentencing, a preliminary inquiry shall be undertaken. Notwithstanding this provision, the Committee may exercise its investigative authority at any time prior to conviction or sentencing.

#### *Rule 17. Preliminary Inquiry*

(a) In a Preliminary Inquiry undertaken by an investigative subcommittee—

(1) All proceedings, including the taking of testimony, shall be conducted in Executive Session and all testimony taken by deposition or things produced pursuant to subpoena or otherwise shall be deemed to have been taken or produced in Executive Session.

(2) The Chairman of the investigative subcommittee shall ask respondent and all witnesses whether they intend to be represented by counsel. If so, respondent or witnesses or their legal representatives shall provide written designation of counsel. A respondent or witness who is represented by counsel shall not be questioned in the absence of counsel unless an explicit waiver is obtained.

(3) The subcommittee shall provide the respondent an opportunity to present, orally or in writing, a statement, which must be under oath or affirmation, regarding the allegations and any other relevant questions arising out of the Preliminary Inquiry.

(4) The staff may interview witnesses, examine documents and other evidence, and request that submitted statements be under oath or affirmation and that documents be certified as to their authenticity and accuracy.

(5) The subcommittee, by a majority vote of its members, may require, by subpoena or otherwise, the attendance and testimony of witnesses and the production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary to the conduct of the inquiry. Unless the Committee otherwise provides, the subpoena power shall rest in the Chairman and Ranking Minority Member of the Committee and a subpoena shall be issued upon the request of the chairman and ranking minority member of the investigative subcommittee. A motion to quash a subpoena shall be decided by the Chairman of the Committee.

(6) The subcommittee shall require that testimony be given under oath or affirma-

tion. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God?)" The oath or affirmation shall be administered by the chairman or subcommittee member designated by him to administer oaths.

(b) During the Preliminary Inquiry, the procedure respecting the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at any investigative subcommittee proceeding shall rule upon any question of admissibility or pertinency of evidence, motion, procedure or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness' counsel, or a member of the subcommittee may appeal any evidentiary rulings to the members present at that proceeding. The majority vote of the members present at such proceeding on such appeal shall govern the question of admissibility, and no appeal shall lie to the Committee.

(3) Whenever a person is deemed by a chairman or presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(c) Upon completion of the investigation, the staff shall draft for the investigative subcommittee a report that shall contain a comprehensive summary of the information received and may include any recommendations for action by the subcommittee regarding the alleged violations.

(d) Upon completion of the Preliminary Inquiry, an investigative subcommittee, by majority vote of its members, may adopt a Statement of Alleged Violation if it determines that there is reason to believe that a violation has occurred. If more than one count is alleged, such Statement shall be divided into counts. Each count shall relate to a separate violation, shall contain a plan and concise statement of the alleged facts of such violation, and shall include a reference to the provision of the Code of Official Conduct or law, rule, regulation or other applicable standard of conduct governing the performance of duties or discharge of responsibilities alleged to have been violated. A Statement of Alleged Violation may include offenses beyond those referenced in the Resolution of Preliminary Inquiry. A copy of such Statement shall be transmitted to the respondent and respondent's counsel.

(e) If the investigative subcommittee does not adopt a Statement of Alleged Violation, it shall transmit to the Committee a report containing a summary of the information received in the inquiry, its conclusions and reasons therefor, and any appropriate recommendation. The Committee shall transmit such report to the House of Representatives.

#### *Rule 18. Respondent's Answer*

(a)(1) Within 30 days from the date of transmittal of a Statement of Alleged Violation, the respondent shall file with the investigative subcommittee an answer, in writing

and under oath, signed by respondent and respondent's counsel. Failure to file an answer within the time prescribed shall be considered by the Committee as a denial of each count.

(2) The answer shall contain an admission to or denial of each count set forth in the Statement of Alleged Violation and may include negative, affirmative, or alternative defenses and any supporting evidence or other relevant information.

(b) The respondent may file a Motion for a Bill of Particulars within 15 days of the date of transmittal of the Statement of Alleged Violation. If a Motion for a Bill of Particulars is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to such motion.

(c)(1) The respondent may file a Motion to Dismiss within 15 days of the date of transmittal of the Statement of Alleged Violation or, if a Motion for a Bill of Particulars has been filed, within 15 days of the date of the subcommittee's reply to the Motion for a Bill of Particulars. If a Motion to Dismiss is filed, the respondent shall not be required to file an answer until 15 days after the subcommittee has replied to the Motion to Dismiss.

(2) A Motion to Dismiss may be made on the grounds that the Statement of Alleged Violation fails to state facts that constitute a violation of the Code of Official Conduct or other applicable law, rule, regulation, or standard of conduct, or on the grounds that the Committee lacks jurisdiction to consider the allegations contained in the Statement.

(d) Any motion filed with the subcommittee pursuant to this rule shall be accompanied by a Memorandum of Points and Authorities.

(e)(1) The chairman of the investigative subcommittee, for good cause shown, may permit the respondent to file an answer or motion after the day prescribed above.

(2) If the ability of the respondent to present an adequate defense is not adversely affected and special circumstances so require, the chairman of the investigative subcommittee may direct the respondent to file an answer or motion prior to the day prescribed above.

(f) If the day on which an answer, motion, reply, or other pleading must be filed falls on a Saturday, Sunday, or holiday, such filing shall be made on the first business day thereafter.

(g) As soon as practicable after an answer has been filed or the time for such filing has expired, the Statement of Alleged Violation and any answer, motion, reply, or other pleading connected therewith shall be transmitted by the chairman of the investigative subcommittee to the Chairman and Ranking Minority Member of the Committee.

#### Rule 19. Disciplinary Hearings

(a) If a Statement of Alleged Violation is transmitted to the Chairman and Ranking Minority Member pursuant to Rule 18, and no waiver pursuant to Rule 22(b) has occurred, the Chairman shall designate the members of the Committee who did not serve on the investigative subcommittee to serve on an adjudicatory subcommittee. The Chairman and Ranking Minority Member of the Committee shall be the chairman and ranking minority member of the adjudicatory subcommittee. The respondent shall be notified of the designation of the adjudicatory subcommittee and shall have ten days after such notice is transmitted to object to the participation of any subcommittee member. Such objection shall be in writing and shall

be on the grounds that the member cannot render an impartial and unbiased decision. The member against whom the objection is made shall be the sole judge of his or her disqualification.

(b) A majority of the adjudicatory subcommittee membership plus one must be present at all times for the conduct of any business pursuant to this rule.

(c) The adjudicatory subcommittee shall hold a Disciplinary Hearing to determine whether any counts in the Statement of Alleged Violation have been proved by clear and convincing evidence and shall make findings of fact, except where such violations have been admitted by respondent.

(d) At a Disciplinary Hearing the adjudicatory subcommittee may require, by subpoena or otherwise, the attendance and testimony of such witnesses and production of such books, records, correspondence, memoranda, papers, documents, and other items as it deems necessary. Depositions, interrogatories, and sworn statements taken under any investigative subcommittee direction may be accepted into the hearing record.

(e) The procedures set forth in clause 2(k) of Rule XI of the Rules of the House of Representatives shall apply to Disciplinary Hearings. All such hearings shall be open to the public unless the adjudicatory subcommittee, pursuant to such clause, determines that the hearings or any part thereof should be closed.

(f)(1) The adjudicatory subcommittee shall, in writing, notify the respondent that respondent and his or her counsel have the right to inspect, review, copy, or photograph books, papers, documents, photographs, or other tangible objects that the adjudicatory subcommittee counsel intends to use as evidence against the respondent in a Disciplinary Hearing. Respondent shall be given access to such evidence, and shall be provided the names of witnesses the subcommittee counsel intends to call, and a summary of their expected testimony, no less than 15 calendar days prior to any such hearing. Except in extraordinary circumstances, no evidence may be introduced or witness called in a Disciplinary Hearing unless respondent has been afforded a prior opportunity to review such evidence or has been provided the name of the witness.

(2) After a witness called by subcommittee counsel has testified on direct examination at a Disciplinary Hearing, the Committee, at the request of the respondent, shall make available to the respondent any statement of the witness in the possession of the Committee which relates to the subject matter as to which the witness has testified.

(3) Any other testimony, statement, or documentary evidence in the possession of the Committee which is material to the respondent's defense shall, upon request, be made available to the respondent.

(g) No less than five days prior to the Disciplinary Hearing, respondent or counsel shall provide the adjudicatory subcommittee with the names of witnesses expected to be called, summaries of their expected testimony, and copies of any documents or other evidence proposed to be introduced.

(h) The respondent or counsel may apply to the subcommittee for the issuance of subpoenas for the appearance of witnesses or the production of evidence. The application shall be granted upon a showing by the respondent that the proposed testimony or evidence is relevant and not otherwise available to respondent. The application may be denied if not made at a reasonable time or if the testimony or evidence would be merely cumulative.

(i) During the Disciplinary Hearing, the procedures regarding the admissibility of evidence and rulings shall be as follows:

(1) Any relevant evidence shall be admissible unless the evidence is privileged under the precedents of the House of Representatives.

(2) The chairman of the subcommittee or other presiding member at an adjudicatory subcommittee hearing shall rule upon any question of admissibility or pertinency of evidence, motion, procedure, or any other matter, and may direct any witness to answer any question under penalty of contempt. A witness, witness' counsel, or a member of the subcommittee may appeal any evidentiary ruling to the members present at that proceeding. The majority vote of the members present at such proceeding on such an appeal shall govern the question of admissibility and no appeal shall lie to the Committee.

(3) Whenever a witness is deemed by a chairman or other presiding member to be in contempt of the subcommittee, the matter may be referred to the Committee to determine whether to refer the matter to the House of Representatives for consideration.

(4) Committee counsel may, subject to subcommittee approval, enter into stipulations with respondent and/or respondent's counsel as to facts that are not in dispute.

(j) Unless otherwise provided, the order of a Disciplinary Hearing shall be as follows:

(1) The chairman of the subcommittee shall open the hearing by stating the adjudicatory subcommittee's authority to conduct the hearing and the purpose of the hearing.

(2) The chairman shall then recognize Committee counsel and respondent's counsel, in turn, for the purpose of giving opening statements.

(3) Testimony from witnesses and other pertinent evidence shall be received in the following order whenever possible:

(i) Witnesses (deposition transcripts and affidavits obtained during the Preliminary Inquiry may be used in lieu of live witnesses) and other evidence offered by the Committee counsel.

(ii) Witnesses and other evidence offered by the respondent.

(iii) Rebuttal witnesses, as permitted by the chairman.

(4) Witnesses at a hearing shall be examined first by counsel calling such witnesses. The opposing counsel may then cross-examine the witness. Redirect examination and recross examination may be permitted at the chairman's discretion. Subcommittee members may then question witnesses. Unless otherwise directed by the chairman, such questions shall be conducted under the five-minute rule.

(k) A subpoena to a witness to appear at a hearing shall be served sufficiently in advance of that witness' scheduled appearance to allow the witness a reasonable period of time, as determined by the chairman of the adjudicatory subcommittee, to prepare for the hearing and to employ counsel.

(l) Each witness appearing before the subcommittee shall be furnished a printed copy of the Committee rules, the pertinent provisions of the Rules of the House of Representatives applicable to the rights of witnesses, and a copy of the Statement of Alleged Violation.

(m) Testimony of all witnesses shall be taken under oath or affirmation. The form of the oath or affirmation shall be: "Do you solemnly swear (or affirm) that the testimony you will give before this subcommittee



in the matter now under consideration will be the truth, the whole truth, and nothing but the truth (so help you God)?" The oath or affirmation shall be administered by the Chairman or Committee member designated by the Chairman to administer oaths.

(n) At a Disciplinary Hearing the burden of proof rests on Committee counsel to establish the facts alleged in the Statement of Alleged Violation by clear and convincing evidence. However, Committee counsel need not present any evidence regarding any count that is admitted by the respondent or any fact stipulated.

(o) As soon as practicable after all testimony and evidence have been presented, the subcommittee shall consider each count contained in the Statement of Alleged Violation and shall determine by majority vote of its members whether each count has been proved. If a majority of the subcommittee does not vote that the count has been proved, a motion to reconsider that vote may be made only by a member who voted that the count was not proved. A count that is not proved shall be considered as dismissed by the subcommittee.

(p) The findings of the adjudicatory subcommittee shall be reported to the Committee.

#### *Rule 20. Sanction Hearing and Consideration of Sanctions or Other Recommendations*

(a) If no count in a Statement of Alleged Violation is proved, the Committee shall prepare a report to the House of Representatives, based upon the report of the adjudicatory subcommittee.

(b) If an adjudicatory subcommittee completes a Disciplinary Hearing pursuant to Rule 19 and reports that any count of the Statement of Alleged Violation has been proved, a hearing before the Committee shall be held to receive oral and/or written submissions by counsel for the Committee and counsel for the respondent as to the sanction the Committee should recommend to the House of Representatives with respect to such violations. Testimony by witnesses shall not be heard except by written request and vote of a majority of the Committee.

(c) Upon completion of any proceeding held pursuant to clause (b), the Committee shall consider and vote on a motion to recommend to the House of Representatives that the House take disciplinary action. If a majority of the Committee does not vote in favor of the recommendation that the House of Representatives take action, a motion to reconsider that vote may be made only by a member who voted against the recommendation. The Committee may also, by majority vote, adopt a motion to issue a Letter of Reprimand or take other appropriate Committee action.

(d) If the Committee determines a Letter of Reprimand constitutes sufficient action, the Committee shall include any such letter as a part of its report to the House of Representatives.

(e) With respect to any proved counts against a Member of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

- (1) Expulsion from the House of Representatives.
- (2) Censure.
- (3) Reprimand.
- (4) Fine.

(5) Denial or limitation of any right, power, privilege, or immunity of the Member if under the Constitution the House of Representatives may impose such denial or limitation.

(6) Any other sanction determined by the Committee to be appropriate.

(f) With respect to any proved counts against an officer or employee of the House of Representatives, the Committee may recommend to the House one or more of the following sanctions:

- (1) Dismissal from employment.
- (2) Reprimand.
- (3) Fine.
- (4) Any other sanction determined by the Committee to be appropriate.

(g) With respect to the sanctions that the Committee may recommend, reprimand is appropriate for serious violations, censure is appropriate for more serious violations, and expulsion of a Member or dismissal of an officer or employee is appropriate for the most serious violations. A recommendation of a fine is appropriate in a case in which it is likely that the violation was committed to secure a personal financial benefit; and a recommendation of a denial or limitation of a right, power, privilege, or immunity of a Member is appropriate when the violation bears upon the exercise or holding of such right, power, privilege, or immunity. This clause sets forth general guidelines and does not limit the authority of the Committee to recommend other sanctions.

(h) The Committee report shall contain an appropriate statement of the evidence supporting the Committee's findings and a statement of the Committee's reasons for the recommended sanction.

#### *Rule 21. Disclosure of Exculpatory Information to Respondent*

If the Committee, or any investigative or adjudicatory subcommittee at any time receives any exculpatory information respecting a Complaint or Statement of Alleged Violation concerning a Member, officer, or employee of the House of Representatives, it shall make such information immediately known and available to the Member, officer, or employee.

#### *Rule 22. Rights of Respondents and Witnesses*

(a) A respondent shall be informed of the right to be represented by counsel, to be provided at his or her own expense.

(b) A respondent may seek to waive any procedural rights or steps in the disciplinary process. A request for waiver must be in writing, signed by the respondent, and must detail what procedural steps respondent seeks to waive. Any such request shall be subject to the acceptance of the Committee or subcommittee, as appropriate.

(c) Witnesses shall be afforded a reasonable period of time, as determined by the Committee or subcommittee, to prepare for the hearing and to obtain counsel.

(d) Except as otherwise specifically authorized by the Committee, no Committee member or staff member shall disclose to any person outside the Committee the name of any witness subpoenaed to testify or to produce evidence.

(e) Prior to their testimony, witnesses shall be furnished a printed copy of the Committee's Rules of Procedure and the provisions of the Rules of the House of Representatives applicable to the rights of witnesses.

(f) Witnesses may be accompanied by their own counsel for the purpose of advising them concerning their constitutional rights. The Chairman may punish breaches of order and decorum, and of professional responsibility on the part of counsel, by censure and exclusion from the hearings; and the Committee may cite the offender to the House of Representatives for contempt.

(g) Each witness subpoenaed to provide testimony or other evidence shall be provided such travel expenses as the Chairman consid-

ers appropriate. No compensation shall be authorized for attorney's fees or for a witness' lost earnings.

(h) With the approval of the Committee, a witness, upon request, may be provided with a transcript of his or her deposition or other testimony taken in executive session, or, with the approval of the Chairman and Ranking Minority Member, may be permitted to examine such transcript in the office of the Committee. Any such request shall be in writing and shall include a statement that witness, and counsel, agree to maintain the confidentiality of all executive session proceedings covered by such transcript.

Adopted February 9, 1995.

### SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. WISE) to revise and extend their remarks and include extraneous material:)

Mr. VOLKMER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. MILLER of California, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

(The following Member (at the request of Mr. DORNAN) to revise and extend his remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.

### EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. WISE) and to include extraneous matter:)

Mr. STUDDS.

Mr. HILLIARD.

Mr. ANDREWS in two instances.

Mr. FAZIO.

Mr. BROWN of Ohio.

Mr. LEWIS of Georgia.

(The following Members (at the request of Mr. DORNAN) and to include extraneous matter:)

Mr. NEY.

Mr. PORTMAN.

Mr. FRELINGHUYSEN.

Mr. HASTERT.

Mr. PACKARD.

Mr. DIAZ-BALART.

Mr. FRANKS of New Jersey.

Mrs. SMITH of Washington.

Mr. DORNAN.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. PALLONE.

Mr. PORTER.

Mr. GILMAN.

Mr. PETRI.

### ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 2 o'clock and 35 minutes p.m.), under its previous order, the House adjourned until Monday, March 13, 1995, at 2 p.m.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

514. A letter from the Acting Secretary of Agriculture, transmitting a draft of proposed legislation to recover costs of establishing standards for agricultural products; to the Committee on Agriculture.

515. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred in the Department of the Air Force, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

516. A letter from the Administrator, Panama Canal Commission, transmitting a draft of proposed legislation entitled, the "Panama Canal Amendments Act of 1995"; to the Committee on National Security.

517. A letter from the Federal Housing Finance Board, transmitting the office's 1995 compensation plan, pursuant to Public Law 101-73, section 1206 (103 Stat. 523); to the Committee on Banking and Financial Services.

518. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. B-95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described on section 36(b)(1) AECA certification 92-40 of September 14, 1992, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

519. A letter from the Chairman, U.S. Advisory Commission on Public Diplomacy, transmitting the Commission's report on public diplomacy activities of the U.S. Government, pursuant to 22 U.S.C. 1469; to the Committee on International Relations.

520. A letter from the Chairman, Commodity Futures Trading Commission, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

521. A letter from the Secretary of Transportation, transmitting a report of activities under the Freedom of Information Act for calendar year 1994, pursuant to 5 U.S.C. 552(e); to the Committee on Government Reform and Oversight.

522. A letter from the Secretary, Department of Transportation, transmitting the annual report on railroad financial assistance for fiscal year 1994, pursuant to section 409 of the Staggers Rail Act of 1980; to the Committee on Transportation and Infrastructure.

523. A letter from the Secretary of Transportation, transmitting the Department's annual report on pipeline safety activities for calendar year 1992, pursuant to 49 U.S.C. app. 1683(a); jointly, to the Committees on Transportation and Infrastructure, Commerce, and Resources.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk

for printing and reference to the proper calendar, as follows:

Mr. THOMAS: Committee on House Oversight. House Resolution 107. Resolution providing amounts for the expenses of certain committees of the House of Representatives in the 104th Congress; with an amendment (Rept. 104-74). Referred to the House Calendar.

Mr. GOODLING: Committee on Economic and Educational Opportunities. H.R. 999. A bill to establish a single, consolidated source of Federal child care funding; to establish a program to provide block grants to States to provide nutrition assistance to economically disadvantaged individuals and families and to establish a program to provide block grants to States to provide school-based food services to students; to restrict alien eligibility for certain education, training, and other programs; and for other purposes; with an amendment (Rept. 104-75, Pt. 1). Ordered to be printed.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. WYDEN (for himself, Mr. SCHUMER, and Mrs. MORELLA):

H.R. 1201. A bill to amend the Public Health Service Act to prohibit health insurance discrimination with respect to victims of domestic violence; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California (for himself, Mr. GOSS, Mr. MEEHAN, Mr. YATES, Mr. CLAY, Mr. BEILENSEN, Mrs. MALONEY, Mr. McDERMOTT, Mr. JACOBS, Mr. MOORHEAD, Mr. STARK, Mr. NADLER, Mr. OWENS, Mr. LANTOS, Ms. LOWEY, Mr. WILSON, Mr. TORRES, Mr. GEJDENSON, Mr. SHAYS, Mr. PORTER, Ms. PELOSI, Mr. MILLER of California, Ms. ESHOO, Mr. GALLEGLY, Mr. WAXMAN, Mr. ABERCROMBIE, Mr. DEFAZIO, Ms. ROYBAL-ALLARD, Mr. MINETA, Mr. COYNE, Mr. GUTIERREZ, and Mr. WELDON of Pennsylvania):

H.R. 1202. A bill to amend title 18, United States Code, to prohibit interstate-connected conduct relating to exotic animals; to the Committee on the Judiciary.

By Mr. FRANKS of New Jersey (for himself, Mr. ALLARD, Mr. BERTEUTER, and Mr. LAHOOD):

H.R. 1203. A bill to provide an exemption for small cargo tank vehicles of 3,500 gallons or less, transporting petroleum products, from certain hazardous material transportation regulations; to the Committee on Transportation and Infrastructure.

By Mr. GEKAS:

H.R. 1204. A bill to amend the Immigration and Nationality Act to substitute references to children born out of wedlock for references to illegitimate children in the definition of child; to the Committee on the Judiciary.

By Mr. HILLIARD:

H.R. 1205. A bill to transfer to the Secretary of Agriculture jurisdiction over the research and experimentation program to develop methods for the commercial production of fish in shallow reservoirs and flooded rice lands and to transfer the experiment

station in Marion, AL, established as part of the program; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LATOURETTE (for himself, Mr. QUINN, and Mr. OBERSTAR):

H.R. 1206. A bill to amend the Federal Water Pollution Control Act to require the Administrator of the Environmental Protection Agency to conduct at least three demonstration projects involving promising technologies and practices to remedy contaminated sediments in the Great Lakes system and to authorize the Administrator to provide technical information and assistance on technologies and practices for remediation of contaminated sediments, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. OBERSTAR:

H.R. 1207. A bill to revise the master plan of Voyageurs National Park, and for other purposes; to the Committee on Resources.

By Mr. OXLEY:

H.R. 1208. A bill to amend the Federal Election Campaign Act of 1971 to provide for increased fairness and competition in elections for Federal office; to the Committee on House Oversight.

By Mr. QUINN (for himself and Mr. LATOURETTE):

H.R. 1209. A bill to amend the Federal Water Pollution Control Act to coordinate and promote Great Lakes activities, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Science, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RAHALL (for himself, Mr. YOUNG of Alaska, and Mr. OBERSTAR):

H.R. 1210. A bill to amend the Railway Labor Act concerning the applicability of requirements of that act to U.S. air carriers and flight crews engaged in flight operations outside the United States; to the Committee on Transportation and Infrastructure.

By Mrs. ROUKEMA:

H.R. 1211. A bill to amend the Community Reinvestment Act of 1977 to enhance the availability of investment capital for low- and moderate-income housing in low- and moderate-income neighborhoods; to the Committee on Banking and Financial Services.

By Mrs. SMITH of Washington (for herself, Ms. DUNN of Washington, Mr. HERGER, and Mr. COLLINS of Georgia):

H.R. 1212. A bill to amend the Internal Revenue Code of 1986 to revise the estate and gift taxes in order to preserve American family enterprise, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1213. A bill to amend the Internal Revenue Code of 1986 to make S corporations eligible for the rules applicable to real property subdivided for sale by noncorporate taxpayers; to the Committee on Ways and Means.

By Mr. TALENT:

H.J. Res. 78. Joint resolution to grant the consent of the Congress to certain additional



powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mrs. MORELLA, Mr. WYNN, Ms. NORTON, Mr. WOLF, and Mr. MORAN):

H. Con. Res. 38. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby; to the Committee on Transportation and Infrastructure.

By Mr. ARMEY (for himself and Mr. GEPHARDT):

H. Res. 113. Resolution providing for the transfer of certain employee positions; considered and agreed to.

By Mr. GILMAN:

H. Res. 114. Resolution expressing the sense of the House of Representatives that the United States should support peace and stability in the South China Sea; to the Committee on International Relations.

#### ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 55: Mr. SHAYS.  
H.R. 65: Mr. MINETA.  
H.R. 103: Ms. LOWEY, Mr. DEFazio, Mr. FRANK of Massachusetts, Mr. DE LA GARZA, and Mr. YATES.

H.R. 104: Mr. HASTERT.  
H.R. 218: Mr. HAYWORTH.  
H.R. 303: Mr. MINETA and Mr. OWENS.  
H.R. 467: Mr. WALSH, Mr. BLUTE, and Mr. STUPAK.

H.R. 483: Mr. LEWIS of California, Mr. SERRANO, Mr. LEWIS of Kentucky, and Mr. BACHUS.

H.R. 494: Ms. MCKINNEY.  
H.R. 497: Mr. BEILENSEN.  
H.R. 530: Mr. JOHNSON of South Dakota and Mr. TORRICELLI.

H.R. 560: Mr. BAKER of Louisiana.  
H.R. 592: Mr. HERGER.  
H.R. 682: Mr. ACKERMAN and Mr. LIPINSKI.  
H.R. 704: Mr. ZIMMER and Mr. SERRANO.  
H.R. 705: Mr. NORWOOD, Mr. PACKWOOD, and Mr. BAKER of Louisiana.

H.R. 708: Mr. CHRYSLER, Mr. ZIMMER, and Mrs. MORELLA.

H.R. 726: Mr. FATTAH, Mr. LIPINSKI, and Mr. SPRATT.

H.R. 763: Mr. GILLMOR, Mr. PARKER, Mr. KASICH, Mr. FROST, Mr. OBERSTAR, Mr. TOWNS, Mr. MARTINEZ, Mrs. FOWLER, Mr. METCALF, and Mr. GALLEGLY.

H.R. 771: Mr. KLUG, Mr. EVANS, Mr. LIPINSKI, Mr. ENGLISH of Pennsylvania, and Mrs. MORELLA.

H.R. 782: Mr. FRANK of Massachusetts and Mr. BRYANT of Tennessee.

H.R. 786: Miss COLLINS of Michigan and Mr. CRAMER.

H.R. 797: Mr. FATTAH.

H.R. 803: Mr. ZIMMER, Ms. LOFGREN, Mr. BONO, Mr. CALVERT, Mr. DREIER, Mr. HORN, Mr. KIM, Mr. MCKEON, Mr. RADANOVICH, Mr. RIGGS, Mr. ROHRBACHER, Mr. ROYCE, and Mrs. SEASTRAND.

H.R. 858: Mr. BORSKI, Mr. DELLUMS, Mr. EVANS, Mr. LIPINSKI, Mr. OLVER, Mr. SISISKY, Mr. CALVERT, Mr. DAVIS, Mr. FARR, and Mr. MASCARA.

H.R. 894: Mr. SOLOMON.

H.R. 895: Mr. PARKER and Mr. BENTSEN.

H.R. 899: Mrs. THURMAN, Mr. EVANS, Mr. VOLKMER, Mr. KASICH, Ms. FURSE, Mr. LUTHER, Mr. GILLMOR, Mr. ROBERTS, Mr. HOUGHTON, Mr. NUSSLE, and Mr. NEUMANN.

H.R. 940: Mr. BARRETT of Wisconsin and Mr. FATTAH.

H.R. 952: Mr. KINGSTON, Mr. TALENT, and Mr. PARKER.

H.R. 957: Mr. GALLEGLY and Mr. SAXTON.

H.R. 1002: Mr. COX, Mr. MILLER of California, Ms. DUNN of Washington, Mr. BEVILL, and Mr. PALLONE.

H.R. 1003: Mr. LIPINSKI, Mr. COLEMAN, and Mr. SAXTON.

H.R. 1010: Mr. FROST, Mr. HALL of Texas, Mr. CALVERT, Mr. GILLMOR, Mr. WILLIAMS, Mr. BROWN of Ohio, Mr. HILLIARD, Ms. MOLINARI, and Mr. SERRANO.

H.R. 1033: Mr. FRANK of Massachusetts, Mr. SCARBOROUGH, Mr. SCHUMER, and Mr. SAXTON.

H.R. 1045: Mr. MILLER of Florida, Mr. DREIER, Mr. BASS, Mr. LAHOOD, Mr. NETHERCUTT, Mr. HANCOCK, Mr. WELLER, Mr. BARTON of Texas, Mr. FOLEY, and Mr. NUSSLE.

H.R. 1055: Ms. VELAZQUEZ and Mr. FOX.

H.R. 1061: Mr. BAKER of California and Mr. HERGER.

H.R. 1103: Mr. GALLEGLY.

H.R. 1118: Mr. FIELDS of Texas, Mr. CALVERT, Mr. LEWIS of Kentucky, Mr. BARRETT of Nebraska, Mr. KNOLLENBERG, Mr. LUCAS, and Mr. BAKER of California.

H.R. 1129: Ms. RIVERS and Mr. BROWDER.

H.R. 1194: Mr. LIPINSKI, Mr. POMBO, and Mr. MARTINEZ.

H.J. Res. 64: Mr. NORWOOD, Mr. PACKARD, and Mr. BAKER of Louisiana.

H.J. Res. 76: Mr. SCARBOROUGH, Mr. RADANOVICH, Mr. DAVIS, Mr. FUNDERBURK, Mr. ENSIGN, Mr. BONO, and Mr. TALENT.

H. Con. Res. 12: Mr. ROBERTS.

H. Res. 21: Mr. TALENT.

#### AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1158

OFFERED BY: Mr. KENNEDY OF MASSACHUSETTS

AMENDMENT No. 1: Page 49, line 14, strike "\$5,733,400,000" and insert "\$5,574,400,000".

Page 49, line 20, strike "\$2,694,000,000" and insert "\$2,625,000,000".

Page 50, beginning on line 4, strike "\$90,000,000" shall be from amounts earmarked for the lead-based paint hazard reduction program;".

Page 50, strike lines 16 through 26.

Page 51, strike lines 7 through 12.

Page 54, after line 13, insert the following:

FEDERAL EMERGENCY MANAGEMENT AGENCY  
DISASTER RELIEF

(REDUCTION)

The amount otherwise provided under this heading in this Act is hereby reduced by \$632,000,000.

H.R. 1158

OFFERED BY: Mr. KLECZKA

AMENDMENT No. 2: At the end of the bill, add the following new title:

TITLE IV—DEFICIT REDUCTION

DEDICATION OF SAVINGS TO DEFICIT REDUCTION

SEC. 4001. For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Deficit Reduction Fund established by Executive Order 12858 (58 Fed. Reg. 42185) amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act. Such amounts shall be in addition to the amounts specified in section 2(b) of such order, but shall be subject to the requirements and limitations set forth in sections 2(c) and 3 of such order.

H.R. 1158

OFFERED BY: Mr. ROHRBACHER

AMENDMENT No. 3: Page 33, line 20, strike "\$47,000,000" and insert "\$94,000,000".

Page 33, line 22, strike "\$94,000,000" and insert "\$188,000,000".

H.R. 1158

OFFERED BY: Mr. VOLKMER

AMENDMENT No. 4: On page 48, strike line 7 through line 24.

On page 54, line 10, strike "\$3,200,000" and insert "\$50,700,000".

On page 54, at the end of line 24 delete the period (.) and add the following "; and, of the funds made available under this heading in Public Law 103-327, \$158,610,000 are rescinded."

H.R. 1158

OFFERED BY: Mr. VOLKMER

AMENDMENT No. 5: On page 48, strike line 7 through line 24.

On page 54, line 10, strike "\$3,200,000" and insert "\$50,700,000".

On page 54, line 18, strike "\$38,000,000" and insert "\$196,610,000".

H.R. 1159

OFFERED BY: Mr. KLECZKA

AMENDMENT No. 1: At the end of the bill, add the following new section:

DEDICATION OF SAVINGS TO DEFICIT REDUCTION

SEC. 308. For each of the fiscal years 1995 through 1998, the Secretary of the Treasury shall transfer to the Deficit Reduction Fund established by Executive Order 12858 (58 Fed. Reg. 42185) amounts equivalent to the net deficit reduction achieved during such fiscal year as a result of the provisions of this Act. Such amounts shall be in addition to the amounts specified in section 2(b) of such order, but shall be subject to the requirements and limitations set forth in sections 2(c) and 3 of such order.